

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 27, 2000 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

SENG Having been appointed to read the minutes of the City Council proceedings of Nov. 20, 2000, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy. Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APP. OF LINCOLN P ST. CATERING CO., INC. DBA EMBASSY SUITES FOR AN ADDITION TO PREMISE AT 1040 "P" ST. - Linnie Green, 7635 S. 38th St., General Manager of the Embassy Suites Hotel, came forward & took oath.

Craig Pomrenke, 626 Lyncrest Dr., Events Director for Embassy Suites, came forward & took oath.

Mr. Shoecraft: Any questions from Council? I know we're going to...we've had discussion in regards to a couple of your outlets where you have (inaudible) designated smoking & that's caused some concerns with us & also with Chief Casady. I had a conversation or a conference with Chief Casady in regards to those issues & it appears that that doesn't seem satisfactory to the remedies that your taking. I think the Chief needs to come up & maybe we can have some dual discussion regarding this issue & see if we can come up with something that will work for you & the Council & meet our concerns also. Chief, could you go through real quickly what your concerns are & we concur with those concerns & then you can react to those & see if there's any compromise or solutions, come up with those concerns that we have. If not, then we will have to address this issue whether voting this up or down.

Tom Casady, Police Chief: Jerry, at last Monday's pre-Council meeting, there was some concern expressed about expanding the license pre-mise outside of the building. My understanding is that the Embassy Suites is a non-smoking facility & they were trying to accommodate customers who want to step outside & smoke while they have a drink. They had proposed to do that in a few locations around the building. One of which I had a particular problem with & that was a little set of steps that comes off the swimming pool on the P St. side. I think they're now planning on doing that only at the northeast corner of the building. And, Coleen, that's the entrance that you talked about people using when they come across 11th St. from the parking garage. Their current proposal is to put up a barrier there with some trellis or wrought iron of some sort similar to what you see at sidewalk café's & some signage. I think that that will help having the barrier there & signage will certainly help. I also understand that during...when events are scheduled & there's going to be a good number of people in that area of the building that there'll be an employee post there. In fact, I saw that personally a couple of weeks ago when I attended a fundraiser there for the Child Advocacy Center. So, I think those are good moves. My only concern here is I still think that without kind of the availability of some casual monitoring by employees since there aren't any employees who's normal work place is right there at that door, there's still going to be the inevitable customer that leaves, ignoring the signs & ignoring the gate or the trellis & walks onto the sidewalk but I think they're doing what they can. If they want to have a smoking area outdoors at that location, I don't know what more they could do other than to do it at a different location. So, it's...they're addressing it as well as they can at that particular location as far as I can see.

Coleen Seng, Council Member: Well, Linnie, I'm so pleased you have no smoking in the hotel. I think that's really good. But I was really concerned about people gathering on the corner because I know how many people park in the "Q" St. Garage & go down the elevator, right across, & they're right there. It's really working out very well, I think, for you. But I noticed on the material that we received today, you're showing a picture of Applebee's & how...where it didn't seem like there was enough room. They have been able to get enough room. And is that the type of

thing you're talking about doing?

Ms. Green: Right. What we were suggesting to do, & we are certainly open to whatever you guys would like us to do, is, unfortunately, or fortunately, we are non-smoking & so people have a tendency on 2 occasions have stepped out of our building with an open container & we have two violations on the record because of that. That's why we're here today. We, obviously, don't want any more so we'll do whatever we can. What we are trying to do is make it so that it's aesthetic to Lincoln Downtown & we thought the flow from Applebee's, the way their fencing was, would propose to ours too. That way if someone does walk outside with a drink, they would still be okay. I mean they would be under our liquor license. We certainly aren't going to serve out there. It's just if they happen to walk out there, they're in that barrier & that would be licensed. We thought that would prevent any future violations.

Ms. Seng: And then I just wanted to ask, is there any possibility you can have a...try to do something in the area...the rather large area on the northwest corner which is your loading, you know, the dock area. But maybe that doesn't work out or...

Ms. Green: We don't want to do that.

Mr. Pomrenke: That dock area's good for SDL's, those types of events. But, unfortunately, the way the docks located, it's not accessible from the ballroom. They'd have to walk outside up on the north side there around from that sidewalk. And as far as the one over on the pool side, that's...wouldn't have that at all. We'll actually probably put a lock on that.

Ms. Seng: That northwest area goes right to the kitchen area right?

Ms. Green: Correct. Right. There wouldn't be no customers back that way.

Mr. Shoecraft: Chief, this doesn't still address the issue at 11th & "Q", that back door, does it?

Chief Casady: Yes. That's where they're proposing to do this is on...

Mr. Shoecraft: And then you're saying also on the others...

Chief Casady: No, the only place that they're proposing to expand the license premise is on to the raised concrete of the...near the steps...

Mr. Shoecraft: Where those steps are at.

Chief Casady: At that door on the northeast corner of the block.

Mr. Shoecraft: Okay.

Ms. Green: And that's where we've had the two violations.

Mr. Shoecraft: And then your other concern then by the pool, is that addressed or is that not an issue?

Chief Casady: They're not going to do that now. They're not seeking to expand the premise onto that. So, that door ought to be "Emergency Exit Only" & I think that's what they have in mind.

Ms. Green: Correct.

Richard Halvorsen, 6311 Inverness Rd., took oath: The State has a law for State buildings that there's a certain distance, I can't remember if it's 30' or 15', you have to be away from the building 'cause they found it really kind of does not help a lot to have a "No Smoking" area & then people would have to walk through a haze of smoke to get into the building which usually was happening before. All...they would congregate around the door &, like I say, you have a dense quantity of smoke when you're walking through the building to get into the building. So, they passed a law, again, this only applies to State buildings, I agree, but I think that kind of negates your thing, that "No Smoking" area then that one area congregates all the smokes. And I have another question, I know when I first brought this up they said the State liquor law for being near the University that the R St. is the legal boundary. Can the City Attorney tell me what the...for the south part what's the legal boundary for the west part of the University? (Inaudible) the boundary per se.

Dana Roper, City Attorney: I'll have to go get the State Statute. I believe it's 8th St. or 9th St. on the west end.

Mr. Halvorsen: Alright. I suppose you can't get that far out because it'll probably intrude on the public right-of-way of the sidewalk. But to walk through a cloud of smoke & I suppose they'll say there's other entrances but most people don't want to walk around the block just to go to another entrance of the hotel.

This matter was taken under advisement.

CREATING PAVING DIST. 2620 IN N.W. 10TH ST. FROM W. DAWES TO W. BELMONT STS. - Roger Figard, Public Works: If there's people here to testify, I just want, on both Items 3 & 4, to let the Council know we've been contacted by Urban Development. There may be properties that would qualify for the

assessments to be paid out of the CDBG Special Assessment Paving Program. So, when we get ready to make a decision next week, if those are created, that we'd want to have a motion to amend in there to that effect & I will have the language for the Clerk for that for next week. But both of those paving districts would be eligible & there are dollars available.

Alice Johnson, 2600 NW 10th St: For #4, I was quoted a price for this & I would like to see it kind of reduced because this is an item that is kind of forced on us as residents & so I'd like to have that price reduced.

Barry Zino, 1006 W. Dawes Ave.: I'm against this paving district. Most of all I'm against it because I don't believe for the most of the people, especially myself, I'm speaking for myself not the neighborhood. This was started by a corporation that's expanding there & that's all well & good. However, the homeowners have to pick up the tab for this fair portion of it whether they like it or not. We've had 17 days from November 10 till now, notified by letter, to make a decision when the application for permit was made last summer, according to Mr. Elmer Cole who I spoke on the phone. So, basically, we're being told this is what you get, you got 17 days to make a decision. I found that I'm on a paved street. I bought a house for cash. I live on a paved street. I don't rent it, I live there. I'm going to pay a portion of NW 10th St., I've been down the street 3 times with my feet, never with a vehicle. And I'm being told I have to pay a sum of money of which I don't even know what it is yet. In addition, I get this letter specifically addressed to me, specifically identifying my property with a application for Block Grant money. There is no block grant money for that particular street. What's the sense of sending an application? There is absolutely not a nickle in the funds for that particular block for block grant money so what is the, you know, you read this letter, what? Is that suppose to keep people's hopes up that if this thing gets rammed through that there's some help? There is none. There hasn't been a nickle in the coffers for that particular block on W. Dawes Ave. And that's why I'm against it. I think the people should've been notified what's going on in that area. I think there's people there that are 80 yrs. old, in one case 90 yrs. old, they need people to speak up for them, that's fine. But I live on W. Dawes & I'm totally against this. This was not initiated by the public that lives there. This was initiated by a corporation that's expanding. And when they want to reach into my pocket I'm upset. That's all I have to say. And I'm against the sidewalks for the same reason.

Richard Schillinger, 1012 W. Dawes Ave.: I pretty much agree with Barry that we are getting pushed into this deal. Our houses do not even come close to NW 10th for the quote that I had for my price, I'm not sure where the 25% comes in for us to pay for this street. And it's going to be larger than a residential area that it is going through a residential area. I would think that the people that initiated it should pay the difference of the width of the two streets. That's about pretty much all I have to say about it & that I'm against it.

Jeff Fortenberry, Council Member: Roger, would you come forward, please? Do you have a larger map of the area showing the parcels, the ownerships, interest in the parcels?

Mr. Figard: I've got a picture. I don't know that I have one that has the actual property owners names on it.

Mr. Fortenberry: Where is the entity that petitioned for the district, show the parcel that they ...

Mr. Figard: On the west side of NW 10th, this is NW 10th going north, W. Belmont, W. Nance, W. Dawes. This is the property that's being developed & the petitioner on this side requested the paving district through here as well as the vacation of the alley that's also on your agenda later today.

Mr. Fortenberry: Do you have a breakdown of the costs that would be potentially assessed to the residents & then I think it might be helpful, Roger, if you explain one more time the CDBG subsidy process.

Mr. Figard: It could be there are no funds set aside in block grant money for that block but Urban Development does have a program whereby people that meet certain income guidelines are eligible to have their assessment paid for them out of the Community Block Grant Funds. And that's typically why we sent that information out to people in the area such that they would be aware that if they did perhaps qualify, you could inquire of that. It's not separate block grant funds for redevelopment of block (inaudible) based individually on owner & income requirements. I don't have a separate breakdown in the legislation here with me showing the estimated dollar cost per property owner. I do have staff here. We could pass that information on to folks that were interested outside.

Mr. Fortenberry: Why don't you do that if someone is interested but

answer the question, as well, as to the extra widening that will occur & the subsidy that the City's going to provide for that if my understanding is correct.

Mr. Figard: The zoning in the area is commercial &, as such, we are recommending a wider paving. However, those properties that are residential in nature & have a residential property on it, we would propose then to assess them at an estimated rate of \$106 per front foot which, in effect, takes off the widening. The estimated cost for the...in the commercial area would be \$125 a foot & that's where we came up with the estimated subsidy of a little over \$8300 for commercial. The intention was that those that lived in a residence would only pay an equivalent cost of an assessment for residential paving which would be 27', not the wider for the commercial.

Mr. Fortenberry: I think there are some questions if you want to meet with those involved outside, that'd be fine.

Troy Schon, 2630 NW 10th St.: And I'd just like to say I agree with the other men who were against it & his items &...but mainly I'd like to vote against that due to the extra price on that & for the next 6 months I imagine there's going to be a lot of construction going on & I'm worried about decreasing the value of my property being backed up to I don't know what's...what all's going to go on there. But I imagine it will most likely reduce the value of my property whatever it is & I'm not looking forward to that but just like to say I'm against that.

Danny Walker, 427 "E" St.: It seems like instead of rushing into this maybe the Council should wait & maybe they oughta advise Mr. Figard & City Staff that they should do a little research & see how many of those residential property owners adjacent to that street are actually eligible instead of wandering off into grey area & voting on it. I think that might be a wise move for a change for someone to do.

Joel Peterson, 2537 NW 9th: My concern is, you know, why are we going to make the street extra wide when there is numerous streets in the neighborhood that are not paved at all. West Nance between 10th & 9th is not. But they're going to make, you know, one or two blocks extra wide. Don't understand why that it is. The lighting, are we going to have parking lot lights through our neighborhood? You know we don't have enough trees in the neighborhood to block that hotel lights that are there. So, I do think that we do need a much more consideration for the neighborhood & more thinking on this issue.

Ken Ward, 4035 N. 40th St.: I am one of the petitioners for the paving district & just wanted to speak for the proposal. We're just trying to improve the area. The gravel road there, of course, has a lot of dust & everything on it & I think it'll be a benefit for the whole area. We did approach the Urban Development people before we went into this to find out if there were funds available for residents there that might have a hardship. And they said that there were. And I think, again, that's why they sent the information out so I would be open to answer any questions.

Annette McRoy, Council Member: What's proposed to go on that lot, on the property that you own over there?

Mr. Ward: A motel.

Ms. McRoy: A motel?

Mr. Ward: Yes.

Ms. McRoy: A convention center or...

Mr. Ward: It's just north of the one that is there now.

Ms. McRoy: So, you're going to build another one on there?

Mr. Ward: Yes.

Ms. McRoy: Okay. Since you own most of the property abutting the paving district, did you consider that the cost on the...it'd probably benefit you more than the few houses on the other side of the street?

Mr. Ward: I actually think that it'll benefit both sides. I think it'll help to increase the value, help them better maintain the property to get rid of just the dust & everything from the gravel road there.

Ms. McRoy: Did you petition the neighbors before you went forward with the paving district?

Mr. Ward: No.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 135.7 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-213, 00R-317, 00R-318, 00R-319);
CHANGE OF ZONE 3248 - APP. OF M&S CONSTRUCTION & THE LINCOLN CHAMBER OF COMMERCE FOR A CHANGE FROM I-2 INDUSTRIAL TO H-4 GENERAL COMMERCIAL, B-2 PLANNED NEIGHBORHOOD, & R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00R-317, 00R-318,

00R-319);

COMP. PLAN AMENDMENT 94-52 - AMENDING THE 1994 LINCOLN LANCASTER COUNTY COMP. PLAN TO CHANGE FIGURE 16, LINCOLN'S LAND USE PLAN, FROM INDUSTRIAL TO COMMERCIAL & FROM INDUSTRIAL TO RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-318, 00R-319);

SPECIAL PERMIT 1833 - APP. OF M&S CONSTRUCTION & THE LINCOLN CHAMBER OF COMMERCE TO DEVELOP ASHLEY HEIGHTS C.U.P. CONSISTING OF 289 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-319, 00R-326);

ACCEPTING & APPROVING THE PRE. PLAT OF ASHLEY HEIGHTS FOR FOUR OUTLOTS & TWO COMMERCIAL LOTS, WITH WAIVERS TO BLOCK LENGTH, PEDESTRIAN EASEMENT, ROADWAY PLATFORM APPROACHES, & THE SUBMITTAL OF A USE PERMIT AT THE TIME OF PRELIMINARY PLAT, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-318, 00R-326) - Mark Hunzeker, 530 S. 13th St., Suite B, representing M&S Construction: Is it...I think will need just a little more than 5 minutes. We have 5 items. If I could have 10, I think that'd be enough.

Mr. Shoecraft: Go ahead.

Mr. Hunzeker: This is a project which we think is going to be a very good addition to the Arnold Heights area & I think it would help to give you just a little bit of the history behind this project to put it in context. Much of the housing west of NW 48th St. & north of W. Adams is pre-1960 Air Base related housing. The housing south of Adams St. on NW 48th St. was developing & much of it was developed by 1984. In 1984, an application was made & the City approved industrial zoning for the area at the southeast corner of NW 48th & Adams. At that time, there were a substantial number of homes which had been constructed along the west side of NW 48th St. I think maybe just to put this in context. At least of all of the lots shown in yellow on that map or green were built upon at the time this area to the east & south of NW 48th & Adams was rezoned I-2. All of this area shown in yellow & the area shown in green were already developed when the City approved industrial zoning on this property. In 1989, the Lincoln Chamber Industrial Corp. dedicated a plat which was basically one lot consisting of approx. 15 acres located at the southeast corner of NW 48th & Adams. That was the home of Sun Husker Foods & still is. From 1989 to the present, the balance of that land, 137 acres approx., has been For Sale. June of 1999, M&S Construction entered into a contract with the Lincoln Chamber Industrial Development Corp. to purchase that property with a contingency that it would not be closed unless & until rezoning of the property for residential purposes was approved. At that time, everyone thought that that would be accomplished & everything would be closed prior to the end of 1999. That, of course, did not happen & because of various extensions, that extended on beyond the middle of the year 2000. In April of 1999, the R.E. Meyer Company bought Sun Husker Foods & in April of 2000, also bought Standard Meats. In Sept. of this year, M&S Construction Closed on the property because they could no longer get any further extensions on the closing date & they were comfortable having spent better...more than a year on dealing with the City Staff & various agencies to come up with a plan which was presumably acceptable. From June of '99 to the present, there have been various plans proposed, issues discussed & worked out between this developer & the City Staff. The project that is now before you is a proposal to rezone approx. 40 acres from I-2 to H-4 Hwy. Commercial. Approx. 15 acres from I-2 to B-2 Neighborhood Retail & the balance of the property from I-2 to R-3 Residential. We've discussed with the Staff a number of issues over that period of time. There've been issues related to the Comprehensive Plan. There've been issues raised by both Planning & Health about buffering of proposed residential from the industrial user. We have had interminable discussions about the extension of W. Adams St. from its present terminus at NW 45th St. on to nearly the end of this plat, running off into the floodplain with no apparent purpose. We have had discussions about sewer extensions. We have discussed the neighborhood retail area &, of course, negotiated an annexation agreement. All, I might add, to the ultimate satisfaction of both this developer & the Planning & Public Health & Public Works Depts. as we went through this process. We worked with the neighbors. We've had at least three separate meetings with neighbors. I think you'll hear more from them later. We believe that this is a good project for this neighborhood. As I said, we had a number of issues that arose with respect to buffering the property from industrial uses. One of the things that we discussed originally was the development of all of this property as residential. The Health Dept. & Planning Dept. both felt that there needed to be some buffering from the remaining industrial tract & to buffer the residential. So, what we came

up with was the idea of rezoning a portion of this &, originally, again, this was to be left I-2 as a buffer but what we came up with was a proposal to rezone this as Highway Commercial which is a much more restrictive use than industrial &, over & above that, to restrict the south 200' of this area to uses which are even more restrictive than the Highway Commercial. Our agreement with the City specifically prohibits a number of uses which are permitted in the H-4 Dist. such as heavy equipment sales, drive-in movie theaters, or, excuse me, drive-thru restaurants, truck terminals, sale barns, service stations, truck stops, & the like. Those uses are specifically prohibited on the south 200' of this parcel. In addition to that, we have a 60' buffer, excuse me, 120', 60' on each side of the property line, between the H-4 Commercial area & the back of the residential lots. The closest residential lot to the industrial parcels that remains is 494'. The area that is immediately south of the Sun Husker Foods parcel is proposed to be rezoned for a neighborhood shopping center. Again, we have a large drainage way, green space, that runs all the way around that & the remaining property will be developed as a neighborhood shopping center at such time as the build out of the residential provides sufficient residential density to justify the commercial. The balance of the property is proposed for 287 single-family & duplex units. The duplexes will be located in approximately this area. The balance will be single-family. We have an extensive reworking of a drainage way that runs through the site, that runs along this direction now & runs straight through here at the present time. We are extending the length of that channel & running it around in this fashion into a large detention cell which will detain water in this area for all the entire project. I don't want to run over my time here but I do have three conditions that I need to address on both the plat & the community unit plan. We have agreed with the Parks & Rec. Dept. that on this community unit plan, Item 1.2.8, & on the plat, Item 1.1.8, which call for a 10' wide walkway easement to provide access to the park with a 6' wide pathway could be a 6' wide easement. It simply allows for the full width of that residential lot. Parks Dept. is okay with that. Item 1.2.9 on the C.U.P. & item 1.1.9 on the plat deal with pedestrian way easements between lots. They're called out as a condition in the Staff Report as 10' in width. They have agreed to a 5' easement which is the required width of those easements. And, finally, we have asked for waiver of sidewalks along Adams St. on the south side & the reason is that it was mentioned we had...

Mr. Shoecraft: Don't ask for waiver of sidewalks tonight.

Mr. Hunzeker: I'm sorry? The reason is we have had, as I said, extensive discussions about paving of W. Adams St. This developer has agreed to extend the paving in W. Adams St. even though there is nothing but Airport Authority property on the north side. At this developer's expense, that street will be extended from NW 45th St. all the way to the point where it is approx. even with the detention cell & for 15 yrs. thereafter, will be also responsible for extending it on to the east limits of this plat in the event the City approves an industrial use of this property to the east. So, this developer has made a tremendous commitment in terms of dollars for paving of a street that literally goes nowhere & serves no real purpose other than a limited part of it for access to this Highway Commercial Dist. &, generally, for access to the Airport Authority's property. To put sidewalks that run out into this floodplain & into...provide access to publicly owned Airport Authority property seems rather pointless & an unnecessary expense for a developer who's trying to provide moderately priced housing. In conclusion, this developer has worked with the Staff for over a year to address a transition from Industrial to Commercial & to provide some badly needed housing in this area. This is a good project & any potential occupants of this will clearly see that they are moving into an area that's within 500' of an industrial user. I know you've heard & will hear tonight from the industrial user who is opposed to this. But we think that there will be no problem selling those lots to people who can clearly see that it's an industrial use that is not causing a problem presently & we do not expect to cause a problem. I'd try to answer any questions you might have. [Break in tape - following taken from notes.]

Annette McRoy, Council Member: Talk about B-2.

Mr. Hunzeker: Neighborhood...[tape resumes] Shopping Center District. We have, in hand, a letter from Nash Finch Company which I'd submit for the record, I guess, that is dated Nov. 22nd. It is not a commitment to build but it is a confirmation that they are reviewing this site for a grocery store site & it does request that Nash Finch be granted a right of first refusal for the purpose of putting a grocery store on this property. Hopefully, we will have a grocery store anchor with the

other ancillary types of neighborhood shopping center tenants, specialty retail, a drug store possibly, some sort of restaurant, dry cleaners, those kinds of neighborhood goods & services that you find in neighborhood shopping centers all over town. We think it's a good project for this area.

Ms. McRoy: So is the grocery store the potential anchor for the B-2 or are there other smaller retail services that are committed to this area but once the (inaudible) housing starts...

Mr. Hunzeker: My understanding is we've also had contact from a couple of different banks who would be interested in locating at that location. Again, every...& I don't know what the magic number is but everyone we've talked to, everyone the neighborhood has talked to, has said there are not enough rooftops presently in that neighborhood to justify construction of a grocery store. I don't know whether that's true of banks but without a more substantial anchor, there probably wouldn't be a bank either. So, we're hopeful & the grocers are telling us at least that with the addition of these 287 or 289 units, that we would have a much, much better chance to get a grocery store to locate there & that's the intent. I mean the developers, my client, is very interested in developing this shopping center & owning the shopping center long term. I mean they are not in this just as a short-term developer. They want to own it & are serious about the commitment to trying to get it built &, you know, we can't guarantee today 'cause we don't have any signed commitments from tenants but we can guarantee that we will make every effort to get that (inaudible) just as soon as we possibly can.

Jonathan Cook, Council Member: Given the concern about the residential being in conflict with the industrial use, was there any discussion about other types of residential here such as higher density, say apartment buildings as are often put in locations between single-family residential & commercial uses.

Mr. Hunzeker: We have not had any discussion of that although I'm not quite sure how residents of an apartment building would be any more or less effective than single-family residents. We did do a little bit of a study of how close we are with our residential relative to existing residential. And this might help you put this in perspective a little bit, our closest residential lot is 494' from the property line of Sun Husker Foods. That 494' arc being struck from around that property takes in a substantial number of residential uses on the west side of NW 48th St. which are already in existence. So, in terms of the City approving uses which may have some degree of incompatibility, we think we are providing a much greater buffer relative to that existing use than the industrial user did when it located in the present location & those homes, those lots, were developed and/or built prior to their location there.

Mr. Cook: There's a commercial area that is just across the street from Sun Husker along NW 48th.

Mr. Hunzeker: That would be right here.

Mr. Cook: It extends just that one block?

Mr. Hunzeker: The commercially zone portion of that runs about here. So it really is...I mean it's virtually identical to the commercial here which, as I understand it, is also being objected to. There really is no significant difference other than that we're much further away with our residential than the residential was when this property was developed for industrial purposes.

Mr. Cook: Okay, thanks.

Mr. Shoecraft: Mark, I totally agree that the Arnold Heights Neighborhood needs additional services up there. I honestly believe that in my heart. I've been knowing that for 7 yrs. now. But I don't want any falsehoods given out here because let's just say hypothetically, let's say the Sun Husker Foods expands & right now, currently, there is a tremendous amount of smell that comes from that facility, & I'm confident that the...could you put up back your map of the zoned areas, the first one?

Mr. Hunzeker: This one?

Mr. Shoecraft: Yeah. I'm confident that the lots behind the proposed future neighborhood shopping center area would sell but I'm not confident that those lots next to it would because of the Sun Husker Foods & the type of business they do & the smell that comes from there or potential smell that could come from there would sell. And you made the comment that possibly a grocery store or some other future services would occur if the build out occurs on proposed residential. And I think the neighbors are banking on that but I would ask would you buy a house in that area if you had a smell coming down from a meat processing plant?

Mr. Hunzeker: I've been out there 4 or 5 times. I have never encountered any smell coming out of that place. I think the neighbors who are here will attest to the fact that this is...that Sun Husker has not

been a smelly neighbor. This area over in here has a 60' wide buffer on the residential side of the zoning proposed. Another 60' on the commercial side & a requirement that there be no driveways or anything else & a landscape buffer in that 60' on the north side of that channel. In terms of odors, I mean, anything that's coming from the northwest is not likely to be coming during the summertime when windows & the like are going to be open. That's going to be in the wintertime when everything's closed up. Anyone who purchases a lot anywhere in this area is going to be well aware of what's over here. And if it's necessary to provide additional notice of that fact, we would be willing to do that if that's something that you're concerned about.

Mr. Shoecraft: Does your client M&S own that parcel of land that is proposed for the commercial? No...no.

Mr. Hunzeker: This piece?

Mr. Shoecraft: Yeah, that piece.

Mr. Hunzeker: Yes.

Mr. Shoecraft: They own that currently, right now?

Mr. Hunzeker: Yes.

Mr. Shoecraft: Okay.

Mr. Hunzeker: So, we're very confident this...these developers have been doing single-family & townhouse development in this City, in this moderate-price range for a long time. And they sought out this site &, in fact, originally intended to develop all of this land as residential. They have a very high degree of confidence in their ability not only to build but sell single-family homes in this area. And they have had contact from other builders already to buy those lots. So, we're very optimistic about the prospects for selling this project out & getting the houses in there that are necessary for a shopping center.

Mr. Shoecraft: I will be anxious to hear from the neighbors. I agree they do need the services so we'll hear from them.

Terry Schwimmer, 5142 W. Kent St.: In Arnold Heights for the last 8 yrs. I was a member of the Steering Committee for the Greater Arnold Heights Neighborhood Plan (GAHNP) & I am the treasurer of the Arnold Heights Neighborhood Assoc. I stood before this Council two months ago asking that you cast your votes in favor of the GAHNP. You did a wonderful thing for our neighborhood & for this City by doing so. From the beginning of the plan process, members of the Steering Committee were concerned with the issue of plan implementation. What will we do with the plan? And how will we do it? We didn't want a plan that would sit on a shelf gathering dust. We didn't want to look back on all of the meetings & the countless hours spent away from our families as wasted time. We also didn't want to remain as one of Lincoln's best kept secrets. We've learned a lot in the two months following the Neighborhood Plan's approval. We learned that plan implementation doesn't happen by itself. We learned that there's a process to get involved in. We learned that when you attend a Planning Commission meeting in the hopes of gaining more information about a proposed development, your failure to stand up in favor of it for lack of enough knowledge can be misinterpreted as opposition. We're here today to stand up in support of M&S Construction & their development of the Ashley Heights Subdivision in our area. Directly after our first meeting with representatives of M&S Construction, we met with Steve Sands from the R.E. Meyer Company, a meat processing plant in our neighborhood north of the proposed Ashley Heights development. We heard about their opposition to this development & how the company has been a good neighbor to the existing neighborhoods for all these years. We were told how they placed their docks & directed their venting in a manner which limited the impact of seeing their trucks & smelling their cooking odors. While it is true that these things were done, Sun Husker Foods, not the R. E. Meyer Company, was the good neighbor in doing so. We have a good but very limited history with the R.E. Meyer Company. We hope & they have given us no reason to believe otherwise that the R. E. Meyer Company will continue in the tradition of Sun Husker Foods as a good neighbor no matter what happens to the properties in the area of their facility. Continuing on the topic of being good neighbors, our area residents have been good neighbors to Sun Husker Foods & the R. E. Meyer Company. Their attorney, Mr. Humble, told a room full of people at a recent neighborhood forum that they haven't had any problems with kids skateboarding or doing anything else undesirable on their property. The reason he gave is that parents have warned their children & their children have listened that it's dangerous to cross NW 48th St. His concern is that this will change due to the proximity of their plant to the proposed subdivision. Parents of children in Ashley Heights will also warn their children of any dangers in that area & the illegality of trespassing. The Arnold Heights Neighborhood Assoc. is a very proactive group. We serve as

the main point of contact for neighborhood issues, such as the Ashley Heights development. We facilitated a forum about this new development for our neighborhood & the other neighborhoods in our area. We wanted to be certain that our areas residents were properly represented when we came before you. We will continue to work closely with our existing neighbors as well as we will with the new residents of Ashley Heights. I strongly suspect that some of the new Ashley Heights Homeowners will be current area residents who have established strong roots in our community while renting from the Lincoln Housing Authority in Arnold Heights. Many of our good neighbors have left the area when they were ready to step up to home ownership because their options in the area were very limited. The development of Ashley Heights is consistent with the goals of the GAHNP. Additional residential & retail development are two of our major goals as outlined in the plan. These goals will not be realized simply because you voted unanimously to adopt this plan into Lincoln's Comp. Plan. We can't implement this plan & we won't realize these goals without you. We need your help. We need your votes. And we need Ashley Heights. Thank you for your time.

Jeff Schwebke, 4230 NW 54th St.: I'm currently the editor of the Arnold Heights Neighborhood Assoc. Newsletter & was a member of the GAHNP Steering Committee. We were aware of the Ashley Heights plan when it was first introduced as Aerial Heights. At that time, we were still putting the finishing touches on our GAHNP. We occasionally checked in with Planning to check on the status of this proposed development to find that the details were still being worked out between the developer & that department. On Oct. 3rd, we were notified by the developer that he would like to make a pitch to us regarding his plans for development in our area. We were thrilled to have an opportunity to be involved in the project & responded by setting a meeting date for the following week & providing a short contact list of other interested individuals to the developer. The very same night that we were to meet with M&S Construction, we were also contacted by Steve Sands of R. E. Meyer who also requested some time to provide some input & concerns regarding this proposed development. During the presentation put on by M&S Construction, we learned that...about the fact that this development was slated for the Planning Commission the following week. Many questions & concerns came from that meeting & additional items came about as a result of our meeting with Mr. Sands. Tonight, everyone here will have an opportunity to learn of those concerns as this testimony progresses. We met as a group to determine where our support would lie & determine that amongst us we still had too many unanswered questions & too little time to obtain the answers. We acknowledged this fact with an E-mail to the Planning Commission regarding these concerns. Given the approaching date of the Planning Commission's meeting, we were unable to assure that we would have someone available to attend. So, this is why we performed that option, sent in that E-mail. Several of us were able to attend & we did not speak up in either support nor opposition due to our outstanding concerns. This may have been our greatest downfall. They vote of denial at the Planning Commission served to motivate us as we felt that we needed to solidify neighborhood opinion on the issues & rally our community whether that decision be to support the developer or the opposition. We hosted a public forum regarding this development & invited all area residents to attend. This included people living in the Arnold Heights, Olympic Heights, Oak Hills, Green Prairie Heights & the Hartland Homes Northwest Subdivisions, as well as people in the immediate rural areas. We encourage both the developer & the R. E. Meyer Company to participate & they made their respective presentations to a crowd of over 60 people. An extensive question/answer period followed. Many of the same issues that we had concerns about were aired & a few new one's came up. We provided petitions for both support & oppositions to the project & came away from the forum with overwhelming support from our neighborhood. We would like to present to the City Council copies of those petitions along with several additional copies at this time. [A copy of these petitions are on file with Special Permit 1833, Bill #00R-318.] Please include these names along with the numerous other letters of support that you've received over the past few weeks. At this time, I would like to recognize other neighborhood residents who are here in support of this plan. I ask them to stand & be recognized please. [Approx. 15 - 20 people stood.] Please consider the Arnold Heights Neighborhood Assoc. as well as the many neighbors & the residents of the 5 subdivisions in the area of Ashley Heights proposal be in complete support of this project. Development in our area has been a long time coming & we look forward to seeing some of the goals & strategies developed by our neighborhood in the GAHNP come to be implemented.

George Hancock, 2340 Woodsdale: I'm also a member of the Arnold Heights Area Steering Committee & spoke to you a few weeks ago on that plan as well & I still think just as I did then that this is a neighborhood that needs everything we can give it. I'm here also tonight as the Agent for the owner of the quarter section of land abutting the proposed property immediately on the south. This is not in the City. It is still zoned agricultural. It's not probably ready for development yet but will be somewhere down the line so I've been paying attention to all of the goings on out there on behalf of the out-of-town owner of that property. During the time that your subject property, the Ashley Heights property was zoned industrial, it was on the real estate market all the time. And it was...my firm handled it for a while. Several other realtors handled it. There was, as far as I know, never a serious offer made. There is plenty of industrially zoned land other places more industrially friendly around town. We're not hurting for that. We are much less in supply of places to build homes. The neighborhood is ripe. The new construction on the other side of the neighborhood is selling well. In fact, the major builder over there has now become the busiest builder in Lincoln I understand. Things are perking on that side of it & I think we kind of start to run out over there. We need these homes to be built on the east side of the area. Lincoln has reasonable controls on things like odors & various emissions & dust & all of those kinds of things, noise & has a history of (inaudible) enforcing those rules. The Meyer Company is in compliance with all of those rules, has been, I don't think there's been a complaint. The neighbors certainly haven't complained about them. And the argument that they have given is sort of a knock on that, it's City policy I think. If they meet all the codes & they suggest that the residential owners who knew all about Meyer when they moved in will later complain about the Meyer operation even though they're still in compliance. Sounds like the City of Lincoln would be expected to take Meyer to task for making the new neighbors unhappy or something. I think that Meyer ought to be prepared to accept that the City will enforce the rules in that direction just as much as the developers of Ashley Heights expect the City to enforce any rules if it should ever become necessary against Meyer. If everybody follows all the rules, you're not going to have any problems out there. I went out, as previous speakers have mentioned, well, I've been out there many, many times but particularly to test the question of odor. I walked all the way around the property two different times on two different days with wind coming in two different directions. I never smelled a thing until I got actually onto the Meyer property. And the nearest house is going to be nearly 500' away. I just...I just can't accept that argument. We have several thousand people in that neighborhood plus the new people that would move gradually into the new homes who would benefit from this. We need the housing. New commercial would follow the housing & the new commercial would help the little bit of commercial that's across the street now which is not extensive enough to stand very strongly on its own. We have a developer...an experienced, good developer ready, willing & able to go. We have plenty of "I" zoning elsewhere. I think that this is an everybody wins, nobody loses situation. Any questions?

Mr. Cook: Regarding the smells issue, what time of year were you out there? How warm was it?

Mr. Hancock: One day was very warm, one day it was very cool. One day it was upper 80's & the afternoon I was there, sunshine, southwesterly breeze, two months ago, maybe something like that. The other time was more recently, northerly-northwest breeze, temperature must've been I don't 50 maybe upper 40's, something like that.

Jon Camp, Council Member: George, when you appeared before several weeks back, we were talking about the setbacks there along the property to the north, if I recall correctly, & going to that 300'. Maybe I'm confusing issues but you may recall...

Mr. Hancock: I know what you're talking about.

Mr. Camp: Okay. We got the setback there & I guess my question leads up to the future of NW 48th St. & I visited with some of the neighbors this morning & I guess in looking at this, I try also to think ahead & what might happen on that with increased residences & so forth.

Mr. Hancock: Well, I think there's some looking ahead that needs to be done along that line. I'm not the expert on that street but I do know that the residents out there feel that NW 48th St. is dangerous at... sometimes. Perhaps the speed limits a little high. There's through traffic that aren't going anywhere in the immediate vicinity, I know that. The more development that is encouraged & actually happens out there, the more likely it would become logical to do something about NW 48th St. I think absent any further development there, probably nothing would happen

to it.

Mr. Camp: Do you think the proposed townhouses that would be along 48th are set back far enough so that you're not going to be impeded if say you did have a widening?

Mr. Hancock: Yes, I think so. I think that's been allowed for.

Jeff Fortenberry, Council Member: Could the Planning Dept. come forward? Before we had any more testimony, I just wanted to get your comments on why we've seen such a split between your recommendation & the Planning Commission's recommendation. It's nice when everyone gets along &, unfortunately, we've got a difficult case here. But if you could shed insight into that, I'd appreciate it.

Jennifer Dam, Planning Dept.: Well, I can't presume to speak for the Planning Commission or their thoughts. I think Staff still stands by our recommendations of approval on these properties. That we feel that the H-4 Zoning & the B-2 Zoning in the buffer strips provides an adequate distance between the residential uses, proposed residential uses & the industrial uses. I think the Planning Commission was concerned that there would be conflicts between the existing industrial user & the proposed residential users & that that is the reason that they voted against this. As the members of the Neighborhood Assoc. have represented, they did not take a position at the Planning Commission meeting because they felt that they needed more input. Had they taken a position at the Planning Commission Meeting, I think that the Planning Commissioners would've duly evaluated their testimony.

Mr. Fortenberry: What are some other examples in the community where you have these types of zoning districts in this type of proximity with analogous uses if there is such circumstances?

Ms. Dam: There's...off the top of my head, I can think of several areas where there are industrial uses in close proximity to residential uses. In Havelock area, the Goodyear Plant & Pur Water are right next to residential uses. North of Cornhusker Hwy., by 48th St., between 40th & 48th St. are residential uses & industrial uses in close proximity to one another. There are strips of industrial zoning that go along old railroad corridors in the Malone/Clinton East Campus areas as well as the Havelock parts of town. Down along S. 48th St. & Old Cheney, close to Hwy. 2, there's a grain elevator & a strip of industrial zoning along there, very close to the Briarhurst residential development.

Mr. Fortenberry: Most of what you cited is obviously very past history in the community. Are there any other more recent examples of this that, again, might provide (inaudible) put you on the spot, if you do think of any that might be helpful too in evaluating this.

Ms. Dam: Yeah. I would need to take some time to think about it. I know there are areas where we have recently zoned I-3 which is an industrial district but also allows residential...or that also allows retail & office uses both north along the N. 33rd St. Corridor & south along S. 14th St. but I would have to look at a map to determine how close those are...actually are to residential uses.

Mr. Fortenberry: Okay, thank you.

Jeanette Fangmeyer, 5401 Wilkins Cir.: I'm the Secretary of the Arnold Heights Neighborhood Assoc. & a member of the GAHNP Steering Committee. I'm a 22 yr. resident & a homeowner in Arnold Heights. The area of the proposed Ashley Heights development was in the public eye in 1987 as the sight of the Crop Art by Stanley James Hurd as shown in this poster that I was able to acquire today. Eleven years ago Sun Husker Foods built a facility at the northwest corner & the remaining acres took on the appearance of CRP land. This I-1 zoned property does not have in place the 300' buffer that applies to the industrial land north of W. Adams St. The GAHN has an abundance of undeveloped property zoned industrial abutting the north side of Sun Husker/R. E. Meyer property. The four lane, W. "O" St., & Hwy. 34 4-laned improvement areas are more appropriate for the industrial than the 2-lane NW 48th St. with narrow shoulders &, in some areas, deep ditches that abuts this property & is the only hard surface road that has access to this tract of land. It is my understanding that no improvements are planned for NW 48th in the near future. The Airport Authority industrial land north of Adams St. has two additional access points, NW 31st St. at Hwy. 34 & N. Park Rd. going around the Airport to NW 12th. Our neighborhood of over 1,400 moderately priced homes does not have the (inaudible) of a Williamsburg neighborhood. We understand what living next to an existing industrial means. We also know how important adding rooftops to this area is to attract the commercial retail business that is needed. As Lincoln continues to grow outward, this is a rare opportunity for residential development to move towards the center of our City. Ashley Heights has the potential to encourage more residential development even closer to Lincoln's downtown.

I encourage you to vote for the Ashley Heights development.

Deborah Ortega, 2424 NW 50th St.: I've been a homeowner at 2424 NW 50th St. in the Olympic Heights Subdivision for over 20 yrs. I come before the Council tonight as a concerned citizen speaking in favor of the Ashley Heights development. When we moved into our brand new home in July of 1980, much of the area surrounding our subdivision was open fields & farmland zoned for agricultural use including the proposed Ashley Heights area which lies due east of our development. The Olympic Heights area was rather slow to take off growing due to high interest rates in the early 80's & the economic difficulties of many of our contractors involved in the project. As homeowners, we saw the value of our home actually fall below the price we'd paid for it. By 1984, some changes were taking place in the area. Lots were slowly starting to begin to sell again. Homes were starting to fill in the empty spaces & the land across NW 48th St. from Olympic Heights between W. Adams & W. Huntington was changed from being zoned for agricultural use to I-2 Industrial use. I don't really remember about being notified of the proposed zoning change & we didn't have an active neighborhood organization at that time looking out for our interests. When I saw those "For Sale - Zoned for Industrial Use" sign go up to the east, I wondered what would be built on the property & what effect would that have on my slowly climbing property value. The land continued to sit empty with "For Sale" signs covered by weeds & brush from 1984 until 1987 when it was planted with crops to be the crop art for the harvest as part of the FarmAid concert sponsored by Willie Nelson here in Lincoln. We all watched with anticipation as the ground was tilled, the crops grew into a gigantic cornucopia spilling out the abundance of the heartland. I remember walking with my family to NW 48th & W. Huntington St. to see Willie Nelson land in a helicopter to view the artwork & feeling really proud that our neighborhood was a small part of this historical event. For several more years, the land sat idle until 1989 when Sun Husker Foods built their operation at about NW 46th & W. Adams. A tour of Sun Husker Foods plant at their open house alleviated my fears about it being a stinky, smelly meat processing plant. We live about 8 blocks from the plant directly to the south & to the west & have yet to smell any odor from the plant in 11 yrs. Being an avid flower gardener, I can attest that I spent most of my summer hours outside working in the yard & I've never been offended by any smell from Sun Husker Foods. To my knowledge, they've been excellent neighbors. In fact, I don't even notice them down there. I really haven't given any thought to Sun Husker Foods for a long, long time until this spring when a neighbor of mine told me that he was going to be working out here in the neighborhood instead of at Standard Meat since Sun Husker & Standards had joined together under R. E. Meyer. I hope that Sun Husker's new ownership would still continue to be a good neighbor for us. Then a few weeks ago I received a letter from the Arnold Heights Neighborhood Assoc. with regards to the proposed rezoning of the property across from my neighborhood from I-2 to a combination of the B-2 Commercial, H-4 Hwy. Commercial & R-3 Residential under the name Ashley Heights Development. Since this parcel of land had been sitting idle since 1984, this proposal looked really great to me. It seemed to be consistent with the neighborhood plan of the Greater Arnold Heights area that was adopted Oct. 2nd of this year & I knew I'd attend the meeting on the 14th to hear more about the plan. I listened with interest as Olsson Assocs. & M&S Construction presented information about the Ashley Heights plan. As a homeowner, I could see this was a chance my area needed to gain rooftops, to acquire the retail & commercial services our area lacks. We've dreamed of a grocery store in our area & have always been told we didn't have the residents to support it. With the continued growth to the west of Olympic Heights & Ashley Heights, maybe the magic number was getting near. In fact, the Ashley Heights plan calls for 15 acres to be zoned B-2 Commercial. Maybe I could dream of a bank, a grocery store, a hair salon, office space, to name a few things that might come to my area. My support was definitely going to go to bringing Ashley Heights plan to fruition. At the same meeting Nov. 14th, Mr. Charlie Humble, an attorney representing R. E. Meyer's, tried to paint a picture of Sun Husker & Meyers being a poor neighbor to the residents of the proposed Ashley Heights development.

Mr. Shoecraft: One minute.

Ms. Ortega: I'd like to remind you that as long as I've lived there, I've never smelled any odors & I hope that Meyers would keep it the same. He spoke about wanting to expand their operation, something he feels would be hampered by the Ashley Heights project. Again, I want to remind you there's land to the north & to the east that is zoned for industrial that could be used for expansion. It seems to me that Meyer's would've liked to purchase this land we're discussing this evening for

their own expansion & sale for other industrial use. I find it difficult to endorse any plan after hearing of the melodious odors & the dangers that Sun Husker is going to be to the Ashley Heights development. I've seen my home more than double in value in the past 20 yrs. & I don't want to see the value decrease. I'm sure the Ashley Heights development plan will retain the value of my home & the others in the Olympic Heights. I'm sure nobody wants to see their value drop. Being a realist, I'm aware of the plan [break in tape].

Vince Oretga, 2424 NW 50th St.: I'm a homeowner at 2424 NW 50th & a resident of Olympic Heights for over 20 yrs. & I come to speak in support of the proposed Ashley Heights Addition. Since the Olympic Heights & Oak Hills Assoc. has not been active for the last 2 to 3 yrs., I would like to thank the Arnold Heights Assoc. for informing the citizens in our area of the proposed Ashley Heights Add. I would like to state that I do not represent Olympic Heights but come before the Council as a concerned citizen. Because of this concern, I circulated a petition in support of the Ashley Heights Add. in Olympic Heights. I stopped at 83 homes & made contacts in 50 homes. Out of those 50, I was unable to communicate with two homeowners because of a language barrier. Five homeowners were undecided on their position at this time but I obtained 48 signatures from the remaining 43 homes which reflect an 86% approval rate for Ashley Heights at this time. I would like to present my petition to the Council. In visiting with these homeowners, I was surprised that a great percentage of them did not know that this property was zoned industrial. Once this was explained to them, they were more than eager to sign this petition. Their main wish was to get more families to move out to our area in hopes of attracting a grocery store & other retail services to our area. And they felt that the Ashley Heights Add. was a step in that direction. In closing, I must state that this land has sat idle for the last 16 yrs. since it was zoned industrial & it's time to close that chapter behind us & move forward with the proposed Ashley Heights rezoning & we look forward to getting this land back on the tax roll. Thank you for allowing me to speak to the Council tonight.

Angel Bragaw, 4001 Lindsey Cir.: I'm a homeowner & I'm a local real estate agent. So, I've seen a lot of sales that abut NW 48th St. & they've sold immediately. There's never been any words from the sellers saying they've ever had any smells from Standard Meat & the backyards abut directly too so they would be, according to the thing, within 400'. I have been a resident & homeowner for 8 yrs., real estate with Woods Brothers Realty for 6 yrs., member of the Arnold Heights Neighborhood Assoc., highly involved in the Greater Arnold Heights Steering Committee & Neighborhood Plan. The proposed Ashley Heights development is imperative to the growth & the progress of our Greater Airport area. I can't stress that enough. It is very stagnated with the only having one builder out there. I just recently talked to one of the builders that has platted 167 lots & he has had a problem getting money & I think the reason being is 'cause they had a couple of bum deals with land in prior years. He recently said that he, in the next week, plans on starting his development too, so, which would be close to 167 more households. The City of Lincoln has allowed development in the southeast, southwest, & the northeast with no problem. And us in the northwest have been neglected. We do have a new development going over across from the Highlands. Our problem is that we are kind of boxed in. The Airport controls our land to the east. The land to the north is abutted by Hwy. 34. And the land to the south is abutted by I-80 which leaves very little land for us to build upon, to develop & to increase the chance of us getting commercial for our families & the 5,000 people that live out there. My expertise in this area property values & home sales prove this development would greatly keep this area from becoming blighted & spur the continued growth of our community out there. I would plead with all of you guys to the City Council to really address this & pay attention. We need your help. We need you to vote for a zoning change. There is...my guestimate is what...we got over a hundred acres the Airport has that is industrial. They have plenty of places to build industrial, to put more companies & so forth. So, I would beg & plead of you guys to give our 5,000 residents, of which 1900 are children, a little helping hand & let us have a little few more households & get us a grocery store out there.

Mark Wallick, 4518 NW 51st St.: I've been a renter in Arnold Heights for the past 18 yrs. My family's been happy out there with what few services we do have. Part of it is we believe that Arnold School is the finest grade school in the City. Our Fire & Police protection & bus service is adequate. But, in many ways, we feel like the forgotten child in Lincoln. We're on the fringes. We have very few basic retail services available. There's a gas station, a convenience store, a bar & a

laundromat & that's all. With continued industrial zoning throughout the area, other than where things are happening right now, it's going to stay that way. There're none of the services other Lincoln neighborhoods take for granted. The nearest grocery, the nearest banking, pharmacy, other stores are 6 to 8 miles away. And I feel this has really stifled the growth of the area. The area is growing but its very slow. With some of these retail services being made available, this could just really take off & it'd go gangbusters. It would really take off. So, I'm asking & support of this plan for the sake of this area. Please change the zoning to allow these kinds of developments. We can convince retailers to come out here in our area but they have to have a place to build first. With your votes, you can either lock in the status of this area as a backwater or you can allow the kind of development that'll bring Lincoln's forgotten child back as a vibrant, growing part of the City's future.

Karen Griffin, 3931 Castle Cir.: I am currently the President of the Arnold Heights Neighborhood Assoc. & I also served as a member of the Steering Committee on the GAHNP. I have been a resident of Arnold Heights for over 12 yrs., both as a renter & a homeowner. Many people asked me why I would buy a house way out there & I always answer them because it's a great neighborhood. It has an excellent school, great people, & a wonderful small town atmosphere that I think is probably unique in the City of Lincoln. Part of that small town atmosphere is probably due to our isolation. We are the only neighborhood in Lincoln that is not contiguous to the rest of the City. We have to leave the City limits & then reenter to reach our neighborhood. This sense of isolation has its good points but it has also resulted in the rest of the City ignoring us in terms of services & improvements. That is why I feel that this residential & commercial development is so vital to our neighborhood. One of the concerns that has been expressed to us by the R. E. Meyer Company is the safety of the children of the Ashley Heights development. The safety of all our children is important to our neighborhood association. The plan calls for sidewalks along NW 45th & NW 48th Sts. After R. E. Meyer extends the sidewalk across their property as required by their original plat, this would result in a sidewalk on the east side of NW 48th St. which would extend from W. Huntington to W. Adams St. That would be more sidewalk than the children of Oak Hills & Olympic Heights have now. Those children have to cross a ditch & a parking lot because there is not a sidewalk on the west side of NW 48th St. south of W. Adams. We have also been assured by Lincoln Public Schools that the children of Ashley Heights will be bused to Arnold Elementary School since they will live more than the miles from this school. The traffic on NW 48th St. continues to be a concern to our association but we also feel that this will be an issue regardless of the Ashley Heights development. Additional industrial development would also increase traffic including truck traffic. The Ashley Heights proposal will be our best opportunity to bring focus to the traffic congestion since traffic studies will be required for the commercial development. Another concern that has been raised by several city officials is the issue of adequate buffering of the Ashley Heights development from the industrial area. But doesn't a B-2 Commercial zone & an H-4 Zone give more of a buffer than a single street? Because that is what we have now. We have a mile & a half of houses that sit directly across the street from an I-2 Industrial Zone. Granted this proposed development would change only a small section of that but it is a start. In addition, the developers have also proposed additional green buffers with landscaping between Ashley Heights & the H-4 zone. In closing, I would like to ask for your vote of yes to the Ashley Heights development & please don't ignore our voice.

Karen Kotschwar, 5000 W. Hughes: I've been a homeowner in Arnold Heights for 16+ yrs. & I'm also Vice President of the Arnold Heights Neighborhood Assoc. currently. I, too, stood in this spot two months ago to ask you to vote in favor of amending the Lincoln-Lancaster Comprehensive Improvement Plan to include the GAHNP. You did & I thank you for that. You now have the opportunity to set that plan in motion by approving the Ashley Heights development. As has been stated before, we believe that our failure to stand up & be heard at the Planning Commission meeting resulted in the impression that we were opposed to this development. As you can see, once we completed gathering our facts, presenting them to neighborhood residents & asking for their direction, we are, in fact, committed to supporting the Ashley Heights development. In our fact finding conversations with many people over the past few weeks, it was suggested that we ensure that the developers know the desires of the neighborhood regarding some of the aesthetics of this new neighborhood & to get those desires in the record. We want to ensure that the plat not be changed in the future to put in apartment buildings instead of single-

family homes or townhomes. We want to ensure that the buffers shown in the plat are not decreased. And we want to ensure that the buffers are planted with full-sized trees & plantings, not starter plantings that might take 10 or more years to mature into a useful buffer. We have discussed these wants with Mr. Hunzeker & were assured that they fit the developers plans for the Ashley Heights Neighborhood. The people who have testified in support of the Ashley Heights development tonight have addressed many important points including the lack of services, the need for more rooftops to obtain those needed services, the lack of homes available in the area for those who want to move up from renting to owning, the opportunity to infill toward the City instead of spreading out more, & the abundance of available I-1 zoned property north of Adams St. to name a few. Another benefit of the area that we feel draws people to the neighborhood is that being away from the bulk of the metro area gives us a feeling of living in a small town. People who prefer that small town atmosphere but don't want the hassle of driving the extra distance to & from one of the small towns around Lincoln could very well find Ashley Heights exactly what they're looking for. What are the alternatives if you vote against the Ashley Heights development? As has been stated by others, if the Ashley Heights development is not approved, the developer will be looking for a buyer. The zoning would still be I-2 & a residential development would have already been turned down so the only buyers interested would probably be industrial developers. There are some people in the area who want the land to stay just as it is now but that would require it be rezoned back to agricultural & we all know that isn't going to happen so we would be stuck with I-2. We've asked what the chances would be of future residential development to the west & have been told that any large development would be unlikely leaving the area to stagnate instead of enabling it to become a vital growing part of Lincoln. The Greater Arnold Heights Neighborhood plan that you adopted into the Comp. Plan probably wouldn't be worth the paper it was written on. Are you prepared to live with what becomes of the neighborhoods in the Greater Arnold Heights area if the land in question is sold to industrial development. Think about it. Again, you now have the opportunity to set the Greater Arnold Heights Neighborhood Plan in motion. Please do so.

Robert Lorence, 5001 W. Adams: I reside at 5001 W. Adams which is directly 2 blocks west of Sun Husker Foods. And I agree with the fact there's no odors that come out of that plant. At one time, I don't know what the deal was but we were invited to tour that plant as brought out earlier. That plant is amazingly clean for a meat packing plant. I'm in favor of it all the way. I think we need more residential housing out there if we're going to draw anything for a grocery store or any other businesses. I'm just...I hope you support it. It needs to be done. It's a beautiful, beautiful place to live. I've lived in the Arnold Heights area for 15 yrs., residing in the house we currently reside in now for three. I do ask that as more & more of the developments out there come to be that some point in time paving W. Adams on the west side of NW 48th St. be addressed. I live on that road. It is amazing traffic on there now with Hartland Homes building, basically, in my backyard. The traffic up & down that road any more is unreal. I just want to show my support in favor of this & hope you support it too. Thank you.

Rich Wiese, 730 Pier 3: My wife & I were looking for a retirement place & not that our home isn't nice, it's a very nice home, but we bought some land out that way & we're going to build us a retirement home out there. Now at the time we bought that land, we understood & we knew...I knew the area, that there was no commercial area out there. I'm really pleased to hear that probably, with your support, that that will be developed & will have commercial. We knew that we would have to drive roughly 6 miles to the nearest grocery store which is out on W. "O" St. approx. at Capitol Beach Blvd. & W. "O" St. And upon this coming in event now, we were very, very glad. And we'd like to ask your support for this development out there. The other thing when I was still working at my regular job many years ago, it was in mechanical contracting business, we contracted work at that place, Sun Husker Food to do mechanical work in there. And our men going to work in the morning with very clean uniforms on & all was not as clean as what those people are working in that food place. And while it's a food processing plant, it probably isn't any different than a local grocery store, some other place, or a restaurant that may have some odors coming out of it. They are not bad, offensive odors. They're very, very few odors. We were amazed that on the inside of it, there was no odors. We were amazed that on the outside there was no odors. We visited out there many times & drove out in that area before we bought the property. There were no odors...offensive odors by all means. So, the commercial area out there, we're very supportive & I would

believe that...& very much so that the people from Arnold Heights, Ashley Heights Neighborhood that would be all one nice neighborhood out there. So, I would like to ask you your support on that.

Penny Godemann, 5010 W. Huntington Ave.: We've lived out in Olympic Heights for, I believe, it'll be 19 yrs. now. And I was just going to say we are so ecstatic for this to be happening in our neighborhood. I have two girls. I have an 18 yr. old & I have a 14 yr. old & they have went to school at Arnold Heights there. We have wonderful schools. Our kids have always been bused to other schools & so we spend lots of time on the road & ourselves driving back & forth doing things. It has been our choice to live out there but it's just so wonderful to think that some businesses or a grocery store may come to our town...our area of town & so that we might be able to spend more time as a family or as a neighborhood & stay closer to our home if possible. And I guess I would just urge you for our part of town to make it better for our families & for our children. It just is a wonderful possibility & I thank you for taking this into consideration & would urge you to vote for this.

Ms. McRoy: Jennifer, during some of the neighborhood meetings, there was talk about the traffic on NW 48th & a traffic study. If we waive the preliminary plat on the B-2 portion then if they came forward with the plans for the B-2, would that trigger a traffic study in that area?

Ms. Dam: The B-2 area is included within the preliminary plat. What is requested is a waiver of the use permit required at the time of the preliminary plat & the zoning. At the time they came forward with a use permit, a traffic study would be required that would show traffic counts, current to the time that the traffic study was submitted at the time that B-2 was developed.

Ms. McRoy: The traffic study would come at the time of the Use Permit?

Ms. Dam: Yes.

Ms. McRoy: If we (inaudible) use permit now, then we...

Ms. Dam: Yes, a traffic study will be required at the time the use permit comes forward.

Ms. McRoy: That can't be waived?

Ms. Dam: No.

Ms. McRoy: Okay. Because that would relieve some concerns. A lot of people have been calling about support with this but they're concerned with the traffic (inaudible).

Ms. Dam: Some initial analysis has been done & it shows that improvements to NW 48th St. & some of the intersections will be required at the time of development of that commercial property.

Ms. McRoy: Have development through (inaudible) intersections, okay.

Mr. Camp: Jennifer, while you're here, just based upon your experience, & you may have heard me earlier ask about the future of NW 48th, do you, from a practical standpoint, what would be your future prediction on that roadway & the width & so forth with the amount of traffic it has & what it may get?

Ms. Dam: Northwest 48th St. is currently shown in the Comp. Plan for future widening. I believe it's shown as a 4 lane cross-section within a hundred feet of right-of-way. With additional commercial development in that area, there will be a need for intersection...you know, possibly wider intersections with turning lanes in that area. It currently is not scheduled though in the CIP for improvement in the near future. And I don't want to predict when that might show up in the CIP 'cause there's so many other projects that...

Ms. McRoy: Question for Roger. Roger, on the C.U.P. application, on page 3, item 3, about the sewer & it says that the City Council (inaudible) subsidize to follow the difference between an 8" & a 15" sewer. Is not the sewer out there, I think we discussed this earlier, at some point, about the current sewer, could it handle any more development where it is now but here I read that the City would subsidize the difference between the 15" & the 8". So, I guess I don't understand.

Mr. Figard: Typically, in an area where a portion of the future or the sewer would serve other future areas, the City would subsidize that above the size needed to serve the development being proposed. So, my understanding was that within the subdivision itself, in the areas where the sewer would be larger than 8", we'd subsidize over the 8". But, ultimately, the area to the south could also be served through that 15" (inaudible) comes through the...so it would be appropriate & okay for the City to subsidize that portion within the plat. There is a portion to the north that our office has recommended not subsidizing because of the location & the future reconstruction of a new sewer. But I'd need to read

that exact language to see which portion they're talking about, Annette.

Ms. McRoy: I was wondering what the...how much subsidizing we're talking about for this.

Mr. Figard: Is it not listed in the Staff Report? I don't have that number. I don't know. I can try to find out.

Mr. Cook: I have another question for Roger. Regarding NW 48th St., it's planned for widening at some future date. Do you know where in the plan it is?

Mr. Figard: It's, as Jennifer indicated, it is in the 25 Year Long Range Transportation Plan. It does not currently show up anywhere in our 1 & 6 or 10 Year Programs. At the present time, the State of Nebraska Dept. of Roads & the City are jointly looking at the Hwy. 34 corridor that comes around the north side of the airport. A portion of that discusses the possibility of a new connection or a better connection with Hwy. 79, NW 48th. They could provide a direct connection from 79, 34, down to "O" St. As that study is finished, I think, at that time, it would be more appropriate to evaluate where it would fit in the priority but a long way of saying right now it's not proposed in any funding program.

Mr. Cook: The Arnold Heights plan notes that NW 48th St. is an 83' right-of-way currently, um, &, of course, Jennifer mentioned that we're talking about at least a hundred feet for the 4-lane but we just recently passed changes to the public way corridors of the Comp. Plan to include public way corridors & to include the long range transportation plan, both of which specify 120' of right-of-way. What kind of discussions took place with this developer regarding acquisition of additional land for future needs along NW 48th St.?

Mr. Figard: I can't answer that because I was not part of any discussions. I guess all I would say is whatever the Comp. Plan would allow as plats are provided, the City would be in a position to request that additional right-of-way dedication consistent with that. Jennifer, were there discussion? I'm not familiar with that.

Ms. Dam: The plans are showing 120' all the way along for NW 48th St.

Danny Walker, 427 E St.: Mister Hunzeker earlier in his address to the City Council mentioned flood plain, rerouting of a stream. I would...rather than Mr. Hunzeker, I think I'd like to get Jennifer Dam up here & I would like to know how much of that proposed development area is in the flood plain, if any? How much fill is going to be brought in? And it looked like on Mr. Hunzeker's map that road leads to a flood plain. I would like to know if that eastern section was the area that was initially proposed several years ago by the NRD for a large dam.

Ms. Dam: Starting with the last question, I don't know if the area was proposed for a large dam several years ago. I don't have that information available. The stream that goes through this area in the buffer strip is a man-made stream that is being rerouted. The stream is being lengthened & it has received the Army Corp. of Engineers approval. The buffer strip contains the floodplain & all of the houses will be elevated if they are close to the floodplain elevation. I don't believe there's a lot of fill brought...that's being brought into this specific area. I don't have the numbers at my fingertip but if you would like those, I would be glad to get them for you.

Mr. Cook: To follow up on the 120', the Comp. plan shows 120'.

Ms. Dam: The current Comp. Plan shows a hundred feet. On NW 48th St.?

Mr. Cook: Yes.

Ms. Dam: Yes, the current Comp. Plan shows a hundred feet. (Inaudible) that we have here is somewhat dated, the plans, however, that the developer is showing do show 120'...is currently shown with the corridor & the color in the Comp. Plan for a hundred feet of right-of-way, however, the plans submitted by the developer show that there is room for the potential for 120' in that corridor & they're showing dedication of additional right-of-way so that there's 60' on the east side of the centerline abutting their development.

Mr. Cook: So, this developer is providing that land for future...

Ms. Dam: Yes.

Mr. Cook: That's what I wanted to ask you. And in the plan, just curious since we did get the...just update the Long Range Transportation Plan, why the corridor on NW 48th was not specified as 120'?

Ms. Dam: I can't answer that question. I was not involved with the Public Way Corridor.

Bob Bishop, 3811 Castle Cir.: I've been a resident of Lincoln & Arnold Heights area for 30 yrs. & I came there from the Sandhills & I'm just barely out of the Sandhills now. I support all the people that

talked ahead of me. I'm a former officer in the Arnold Heights Neighborhood Assoc. & so appreciate your support for their wishes.

Deputy Clerk: Okay. If there's no one else in support then we can move on to those who are opposed to this project.

Mr. Shoecraft: It's hard to come up here when so many nice things have been said about you.

Steve Sands, 4611 W. Adams St., Exec. Vice President w/R. E. Meyer: Well, it's nice to know we don't stink. And I'm here to speak in opposition to the Ashley Heights Development. We believe that if this were to reach fruition, it would be a tremendous breach of faith with our company & would really threaten our very survival for the future. As well as, we feel, it is just an instance of bad land use policy. In fact, we think that is why the Planning Commission overwhelmingly voted against this development is because it's just bad land use to put I-2 next to residential & we're there. And I think if people fully understood the context of what we do, they wouldn't take this development seriously because it would not be good for us, it would not be good for the neighbors. First of all, I want to outline exactly who R. E. Meyer is & what we do because it's not to be confused with the Sun Husker Foods Company. The activity that we're currently generating within that plant is almost double what Sun Husker Foods was doing just 6 months ago. So, we have literally doubled our sales out of that facility & we plan on doubling them again in the next 12 months. We have three million pounds going into the facility & out of the facility every month. So, that's a lot of product in & out & that's increasing weekly. That's a lot of semi-trucks, that's a lot of noise, that's 24 hr. docks, two production shifts, a third shift that does cleanup. The activities of that facility include all of the business Sun Husker Foods was doing in the export markets & the domestic markets. It also includes the operations of Standard Meat Company, which is cutting steaks, grinding hamburger. We just finished consolidating Standards operations into the W. Adams plant this past week. So, we're still in the process of consolidating those companies operations in the new plant. And then the third company, Meyer Natural Angus is the second largest producer of natural beef in the country & we feel natural beef is going to be a very big phenomenon in the food industry & by the three companies coming together under one umbrella, we position the kind of dynamic growth company that Lincoln should embrace. And, instead, just 6 months into our life here, we feel like we're fighting for our very survival because our survival depends on our ability to expand every part of operation. So, for example, right now, we break about 300 head of cattle into constituent food products every week. We want that up to be up to 600 head in 6 to 8 months. Now, as we expand, that means we generate more by-product. We already generate about 30,000 lbs. a day of inedible product that we auger out of that facility. We're talking about bones, fat, inedible product that's rendered into pet foods. That is a natural by-product of what we do there by breaking down beef carcass. Another operation that we want to expand is our cooking operation. Right now we have one cooking line. And cooking, by its very nature, generates smells. Now some of those smells might be viewed as being pleasant, some people like a soy smell or that sort of thing. But they do generate smells. And every operation to date that functions out of that building has been developed with an eye toward protecting our neighbors in the Arnold Heights area because we're very cognizant of being a neighbor & we want to continue that good tradition that Sun Husker Foods established but certainly Neechee Ray(?) would never have built the Sun Husker Foods plant in that location if they ever thought there was a chance of this adjoining land becoming residential or business. When they purchased the land, it was zoned as the North Lincoln Industrial Park & they purchased it with the expectation it would always be so. When Standard Meat came together with R. E. Meyer & effectively wooed them to Lincoln because we recognized this was a tremendous opportunity for ourselves, our employees, for the future of Lincoln, for the Sun Husker employees, felt this was a tremendous opportunity. They could've gone to Iowa. They could've gone to other places. We brought them to Lincoln convincing them this was a good place to do business. One of the things that attracted them was gee, we've got room to expand, we're in an I-2 area but, of course, we're in the meat industry, very cognizant. It's difficult to site meat companies. We go to great extremes to be good neighbors &, frankly, it does hearten me to hear comments that gee, I can't smell 'em, they don't emit odors. Well, the fact is we do emit odors but we're very careful about how we vent, when we vent. We're very careful about putting our docks on the east side of the building so that we shield all of our neighbors to the west. Those kind of mitigations that've protected our neighbors to the west, will now impinge on the new neighbors in Ashley Heights.

Consequently, we'll be painted into a box where we're a bad neighbor. After we've gone to great lengths to be a good neighbor, after we've gone to great expense to provide mitigations to the Arnold Heights neighborhood that will now become impingements on new neighbors to the south & east which were never envisioned. Neechee Ray would've never built the facility had they known this was a possibility. Standard Meat & R. E. Meyer never would've gone together in this new venture had we known we would be fighting these battles because we know that meat companies, food companies & residential areas do not mix. There's the obvious increases in kids & bikes. Gee, almost 300 rooftops. How many dogs are going to be in the neighborhood? How many dogs are going to be in our garbage? You know are we going to have to build a fence with razor wire to keep the animals out of our garbage? I mean, literally, those kind of issues become real to food companies who image is everything, sanitation is everything & being a good neighbor is everything. And we think we've gone to great lengths to position a company now that is very dynamic. We have a payroll that's over \$5 million. We have over 200 employees. That doesn't begin to address the contract labor & the services we purchased locally. And, once again, we want to have more cooking lines. We don't want to just have that soy flavor. We want to have the various other flavors & all of them will have their associated smells & spicing profiles which does mean odors.

Mr. Shoecraft: You have about 30 seconds.

Mr. Sands: I guess in following up, I would just like to say that we've always perceived that NW 48th is a natural barrier between the residential & the I-2 & with Chamber land in back of us & with Airport property in front of us, we always expected we would be forever in a bastion of I-2. And, of course, if this were reversed, if we were trying to site our plant in a residential area, what would the reaction be? The reaction would be no, that's terrible land use, policy for those very same reasons we argue against the Ashley Heights development.

Charlie Humble, Erickson & Sederstrom, 301 S. 13th St., Suite 400, representing R. E. Meyer: I think I can do this in 12 minutes if I can have it, please?

Mr. Shoecraft: Okay.

Mr. Humble: Alright. I guess the first question I'd have to ask is then why does the City of Lincoln have land use planning, comprehensive planning & zoning? When Meyer began to look at this property in Oct. of 1999, it did it's due diligence & discovered that the area is set up in the Comp. Plan for industrial. It's zoned as an I-2 Industrial Park. And we had no idea that in June of 1999, a contract had been entered into that would change the course or attempt to change the course of the industrial area that Meyer was buying into. Meyer spent \$10 million to keep this plant here in Lincoln & you heard Mr. Sands talk about the combination with the existing Lincoln plant...[break in tape]...when it invested its money. And in doing so, there was nothing else that they could have done & there may have been interminable discussions going on as Mr. Hunzeker indicated but not with us. The discussions were going along with the Planning Dept. & the City. We could've done nothing else to discover what was going on. Now when you look at the Greater Arnold Heights Subarea Plan & everybody has come up here tonight & said well, you know, this is in conformance with the plan. But, as I look at it, I look at Figure 4.2, I see the future land use plan & it identifies our area as industrial. I turn the pages starting with 4.3 & they do talk about the residential land & they identify the subareas that they would go in, all of which are identified here in this document that you approved 60 days ago as being on the west side of NW 48th St. Now, along that line, I had a conversation with Duane Hartman. Now, I don't represent Duane & he's not taking a position on this but I did check out the facts. He's got about 40 or 50 more lots to put in. He has now acquired across NW 48th another 160 acres & his plans, some of which has got some sewer problems, but, altogether, about 310 to 320 additional houses. And we also heard tonight from the lady of the real estate company talking about another 167 on top of that that's going to get fired up here. The plan here identifies about 300 or so by the year 2004. And so, what's happening here with this sudden shift of what you've approved 60 days ago is that you're against the tenants of this plan as well as your own comprehensive planning & zoning. Now, you've done a job over the years of protecting existing residential neighborhoods from the intrusion of commercial uses. And you've done that time & time again. Well, this is the opposite. This is the other way around. It's time to protect the I-2 Industrial Park & yes, there's a lot of I-1 Industrial land all over this City. There isn't a lot of I-2 Industrial Park land within this City. This is a prime area for growth in that industrial use. Now, one of the things that we talk about is what is

the planning period, what kind of time frame are we talking about? Ten years, we've been in business since Feb. of 1990, is really nothing in land use planning. Give the thing a chance. Sixty days is really nothing. I mean what does planning mean in this particular context? Five hundred feet is talked about is being this huge buffer. I suspect that if we didn't have the building here & if I could look straight out, I could see 500' some place in the parking lot across the street & I've not paced that off but I'll bet you that's what it is. It's a block & a half folks. And if you are at Huntington & you look at our plant, you can see it & it really does stick out. What we're really afraid of is that as time goes along & we have a very, very, very active community out here, that they're going to grow tired of us, tired of the trucks, tired of the interference, tired of the garbage, tired of the smells, etc. Oh, maybe not now, but sometime, sometime in the future they're going to grow very, very tired of us. And when that happens, then they begin to assert their position & that is a real problem for us. Now, let me comment again on what seems to be the driving force there. We've got developers who purchased industrial land who now want to turn it into residential land to make a profit. And the hook for all of this is, in fact, the shopping center. But they've admitted that there is no contract, that there is no commitment for a market, or a shopping center. This is only a hope. Now these people out here that've testified are testifying based upon the hope that something will happen in the future. And the problem that we've all seen is that stores are getting bigger, trade areas are getting bigger. There is no commitment that says that if you approve these 300 houses that that is the critical mass that brings this thing over the top & gives people the shopping center out here. Not at all. Duane Hartman indicated that he has contacted, over the years, & I think somebody acknowledged he's the most active builder out here, over the years, has contacted people in that business begging for a market. And his contacts continue. He has the Michael Mart across the street from us. He also tried a hardware store there but it didn't work. People want the bigger stores. And that is the problem that we've got here. The neighborhood support rallies around the shopping center for which there is no guarantee. I share the concern of Commissioner Steward from the Planning Commission who indicated that his fear is that the prime areas may go in the residential but that the rest of it won't. And then what we've managed to do is to create the worst of all possible worlds. We've disintegrated the industrial park. We've left the houses. With some houses, but not enough to build out. We have no shopping, And what do we have? When there looks like plenty of opportunities over on the west side using the Hartman experience, the numbers of houses that he has built & wants to build in the future plus what the lady indicated today for another 167 on that west side. There is a very great fear. And I think the question has been asked of me well, you know, why do you care? You know, why does R. E. Meyer care? And here is an answer to that question. We are part of the I-2 Industrial Park Dist. & in the regulations, it talks about having to meet environmental performance standards. Then you look at the City of Lincoln environmental performance chapter & it requires that certain sections of the code be met. And one of those sections is Sec. 806.130. And when you look at that particular section of the code, it's unlawful to cause or permit odorous emissions from any source except animal confinement & feeding operations, such violation may be established as follows, Subparagraph 2, upon complaint of three or more unrelated people within a 30 day period at their residences that any detectable odor endangers or potentially endangers health, safety, or welfare or is unreasonably offensive or objectionable, causing unreasonable interference with the use or enjoyment of the complainants property. And that is in your code today. And we are afraid that as this goes forward & builds out & sometime in the future that those complainants actually will use that code against us. And that is part of the situation that Steve Sands has talked about. And the part where the Planning Commission has recognized that the industrial & residential uses do not belong together. Again, in terms of the shopping center, the words "hopefully", "we anticipate that this will work out", but nobody is willing to stand up & build the shopping first. Build the shopping & the rooftops will come & nobody will do that or guarantee that they will do that. I would like to point out in terms of conflicts, we talked about conflicts between existing industrial & residential & I'll show you one that you've dealt with & its right downtown. And that is the Fischer Foods & Lincoln Poultry. And we talk about a 500' buffer & how many blocks around there have you received complaints? About 5 to 10 blocks? And that is an area zoned B-4. And that's an area in which those uses are allowed. An area that allows food type uses. And you've dealt with them. You've dealt with those complaints. In terms of other uses

out there for industrial in the area, the Airport Authority wants to lease their land, they don't want to sell it. So, somebody made the suggestion we go buy some of theirs & stop for sale. Lease then, basically, talks about control & I think that's been a lot of the difficulty that has occurred as far as the development of that area is concerned. So, I think that I've covered most of the things I needed to cover & I'll be glad to answer any questions. But I think you can see that the concerns we have are genuine & sincerely held.

Mr. Cook: So, you were never contacted by the Chamber of Commerce at the time they were planning to sell this land?

Mr. Humble: No.

Mr. Cook: If you had been contacted, might you have made some decision regarding possible purchase of this land or a portion of this land if you'd had that chance?

Mr. Humble: At the time that it was...before anything had been done to it & the time it was vacant & if we were approached, you know, before any money had been spent on it, you bet we would've, you bet we would've. We saw some signs at the time, you know, as they say our process started in Oct. of '99, culminating in April of 2000, saw some signs from some real estate companies & were glad, thinking, naively as it turned out, that those must be signs to sell some of those lots for industrial. And the first thing you do, as Steve Sands has indicated, you know you have to get into this business & you have to get it set up & get it running & that has occupied some of our time. But before we heard about this development, we were out there trying to put together a business venture that would've brought in some cold storage which would've been highly compatible with the neighbors, etc., would've been good for us, but, of course, those things went out the door when we found out what Ashley Heights was.

Mr. Shoecraft: Are you in opposition or support?

Michelle Wasges, 5342 W. Claven Ave.: I just have some concerns that I thought maybe I should address or maybe you could address for me. It's probably more in opposition. My name is Michelle Wasges & I live at 5342 W. Claven Ave. which is directly 5 blocks west of the proposed site. I'm also a geology student down at the University of Lincoln. My first concern was for the traffic on NW 48th St. As a resident, I know that its congested a lot & if you put in almost 300 more homes there's going to be traffic predominantly between...or at 8 a.m. & 5 p.m. at rush hour. And essentially, there's only going to be one entrance & exit into the property. The NW 45th St. & W. Adams St. entrance is going to be for semi & truck traffic. The only other concern I had was the H-4 proposed property, it wasn't mentioned but, my understanding when I went to the Arnold Heights meeting was that there was going to be a semi-truck shop there & I had some concern about that being...apparently it cannot be within 200' within the residential area but I had some concern about hazardous material that may be stored there since it is a truck shop. That maybe there would be oil stored there or break fluid, gear grease, asbestos, break pads, & if that would be hauled down NW 48th St., any hazardous waste. My other concern was that with this development that there's an increase of non-permeable material, concrete, & houses. And right now, this land is predominantly used for the runoff of all of our residential properties west. All of this land east of NW 48th St. runs...our runoff from storm sewers runs into Oak Creek. If you concrete all this area up, that is not only going to allow less permeation into the soil, it's also going to create more runoff. And I have concerns whether or not these, basically, drainage ditches can even hold that much water. Not to mention that between Sun Husker Foods & the proposed B-2 property, that there are two 90 angles & I've never seen water travel at a 90 angle. I have concerns about erosion. I have concerns that the detention pond, it's essentially a silt pond & with the silt pond, there is going to be silt accumulation & who's going to pump that out of there? Who's going to dredge it? I have other concerns about I'd like to know how the developer plans on controlling the water that's going to be dumped into Oak Creek & possibly could cause erosion there. I'd also have concerns if we have rains, granted we're in a drought right now, but if we have rains as we did in '93, what's going to happen to these peoples backyards? Is it going to overflow? And if it does overflow, with that much rain, it will increase the volume & the rate of the water & will cause serious erosion. And, granted, I understand that they do want to put a...I assume it's for aesthetic purposes only, a buffer zone between the H-4 & the residential with trees & I agree that those trees should be mature trees 'cause if you put in saplings, it could take 20 yrs. before they're mature & these banks will need some sort of support to stop any kind of erosion. I had some other concerns. Basically, the grocery store, it doesn't

exist. There is no grocery store. There's nobody that has come out & said that they are going to make a commitment for a grocery store. And I think that was their big selling point was that there was going to be a grocery store. That land could sit there idle for another 16 to 20 yrs. We don't know. Okay. Hartland Homes is building. I live in the new Hartland Homes Add. & they are building west so I don't think that there is any problem with new rooftops or anything. I believe that the layout of the land that it should stay west of NW 48th St. & that's about it. The only other thing was I just thought maybe you should ask yourselves questions of if you were a first-time buyer, would you buy a house that was adjacent to a drainage ditch? Many of these lots, their backyard will have a drainage ditch in their backyard. And 6 of the lots are going to be on a floodplain that will be filled in with fill dirt. And would you want to live near a truck stop with semi traffic or a packing house which, by the way, I have smelled it once, one time. And also, living in extreme close proximity to the airport.

Mr. Shoecraft: Okay, I think we have...if that's it on the opposition, I think we have 5 minutes for a rebuttal, 5 minutes, & then we're taking a break.

Mr. Hunzeker: Several things quickly, the area immediately to the south of this property is shown in the Comp. Plan as residential. In order for that property to be developed, it needs sewer which will come through this property. It also will require some buffer from the industrial. The question is if we don't provide the buffer, where does it start & who's going to provide it &, the fact of the matter is, there are a number of places. Jennifer noticed...Jennifer mentioned several but there are many places in Lincoln where industrial zoning is much closer to residential uses than the proposed residential uses that we have on this plat. The old Chamber Industrial Park at 14th & Old Cheney, for example, virtually abuts Southwood, separated only by the old railroad right-of-way & now bike trail that runs along the east side of the old Chamber Industrial Park. Westgate Industrial Park has portions of the area much closer to residential than we are. North 27th Street west of 27th & south of Superior, there are a number of industrially zoned areas along there that abut relatively new residential. The Comp. Plan was recently amended by you to show industrial on the north side of I-80 immediately across the street from residential to accommodate the expansion & new plant for Centurion. So, there are a number of them. In fact, you've recently located or there is a recent location of a new high school with industrial virtually in the front yard on N. 27th St., east of 27th. A question with respect to setbacks from NW 48th St., Mr. Camp, I...Jennifer mentioned we are providing 120' of right-of-way. In addition to that, the setbacks from NW 48th St. are very large due to the rerouting of the channel along NW 48th St. We have at least a 60' channel along NW 48th St. before you get to any of the residential lots & that's in addition to 120' right-of-way. A question with respect to the traffic study, yes, we will, in fact, be required to submit a traffic study at the time of the use permit that's in the annexation agreement & we agree to that. A question with respect to flood plain & fill. Item 16 in the staff report addresses this directly. The initial application indicated that there would be 5,000 cu. yds. of fill placed in the hundred year floodplain. The revised plans "set a positive example by going beyond the present requirements & grading the site in such a way as to actually gain 4,010 cu. yds. of flood storage". The opposition from the Sun Husker Foods folks & R. E. Meyer strikes me as being a bit disingenuous. This plant for all of the talk about protecting the neighbors was moved into a residential area. They talk about whether or not you would approve the zoning that they now have if our project had been approved previously & the answer clearly is no. But the fact of the matter is, the reverse already happened. There was a residential area into which an I-2 Zoning Dist. was placed & into which this company moved. This is simply a mitigation, if you will, of that maneuver. We are providing a buffer which is greater than is provided almost anywhere else in the City between residential & industrial & we think that we are going to have absolutely no problem going forward with this project & selling the lots & having no problem with the R. E. Meyer Company. Finally, the exaggeration about the amount of material being hauled in & out of this place. No one has questioned or even asked how many trucks that translates to. Three million pounds a month, that sounds like an awful lot. It's 1500 tons in a 23 day work month that's about 60...excuse me, I did the math on this & I lost it...it's about 3 or 4 trucks a day. The 30,000 pounds of inedibles sounds awful. That's a little over 2 tons or, excuse me, that is 15 tons & that's a good size dump truck. So, we're not talking about a lot of trucks here. The truck service facility that is planned for the area to the east, can go there as

a matter of right under I-2 Zoning as well as it can go there under commercial. So, we're not proposing anything that we think is going to constitute land use questions & there was not even so much as a phone call made by the R. E. Meyer Company to the Chamber of Commerce or to the Planning Dept. because there was an existing contract & there were existing negotiations under way. They could've found out from either the Planning Dept. or the Chamber of Commerce with one phone call.

Mr. Cook: A question regarding the issue of odors or, perhaps anything else that this plant might create that would be a problem for neighbors, even though these neighbors will be coming along after the plant, is there anything really that could prevent them from complaining if 10 yrs. from now they find that an expansion of operations at the plant is objectionable & they do call in?

Mr. Hunzeker: You mean if the plant begins to violate the law?

Mr. Cook: Well, I think the issue here is that...

Mr. Hunzeker: Well, the issue it seems to me, excuse me, but Mr. Humble stood up here & said the basis of all their fears is that they're afraid they're going to violate the law & that there may be some complaints. Now, what about the people who already live there? It seems to me that if they're going to start stinking up the neighborhood, it's very likely that they're going to get complaints from people who already live there who are more likely to smell it in the summertime when the winds out of the south or southeast than in the wintertime when the winds out of the north.

Mr. Cook: Well, but the issue here though is that this law requires that there be complaints. I mean that's...it's a complaint-based process.

Mr. Hunzeker: Yes.

Mr. Cook: And action is taken in such circumstances. If there's nobody there or if there are other uses that are unlikely to complain, that law is likely to kick in. I don't know...essentially, they're not in violation of the law if there's no one there to smell it & I'm just concerned about that issue that it has been brought up that people will be aware that this plant is there but there's nothing legally that would prevent them from complaining. I mean if they choose to complain 10 yrs. from now, that the Health Dept. would have to act on that complaint. That would be a requirement in the law that they act on that complaint.

Mr. Hunzeker: Just remember, there are way more houses that exist within the same distance of our nearest house than we ever will propose or build. So, in terms of complaints & the likelihood of complaints, the existing neighbors seem to me to be just as big or more of a concern to someone who anticipates violating the law.

This matter was taken under advisement.

****8 P.M. - BREAK.**

8:23 P.M. - RECONVENED. **

ORDERING CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS THROUGHOUT THE CITY GENERALLY BOUNDED BY S.W. 27TH & W. "O" ON THE WEST, 27TH & WHITEHEAD DR. ON THE NORTH, 80TH & LEIGHTON ON THE EAST, & 40TH & EAGLE RIDGE RD. ON THE SOUTH - Jerry Shoecraft, Council Chair: Is there any desire on the Council to move Item 12 before 10 & 11?

Cindy Johnson, Council Member: So moved.

Coleen Seng, Council Member: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Deputy Clerk: Those in favor would come forward first.

Jonathan Cook, Council Member: Before anyone speaks, since I had mentioned to a few people that if they watched on television that they might want to watch for the end of the 70th & Hwy. 2. I just want to emphasize that now would be the time to come down if they weren't paying close attention.

Roger Figard, Pub. Works: To just take a minute & talk a little bit about what we're here talking about tonight & also what we're not talking about. Sidewalks, quite often, is a big topic on the agenda & there's been a lot of discussion in the last year or so about the city needing more money for sidewalks. That conversation relates to repair of existing sidewalks & that's not why we're here tonight. What we're tonight for is to discuss the policy & the process whereby sidewalks get constructed adjacent to our roadways in our community. Sidewalks are an accepted & approved component of the intermodal system. They're part of our design standards & generally speaking, we believe this community has accepted that there should be sidewalks adjacent to roadways for people to walk safely & separate themselves from the traveled roadway. Generally speaking, in new areas today, when new subdivisions are developed & built, sidewalks are put in as part of the new development, paid for by the

homebuilder, & ultimately then paid by the property owner. For a number of reasons, across our community there are areas where sidewalks were never built or completed. And as such, each year Public Works & Utilities, through a series of process: complaints or requests received from the public for sidewalks to be built in an area or observation of our own in an area, review of routes for children to walk to school, we analyze on an annual basis those areas where we believe it's appropriate & would improve safety to build sidewalks in the community. We do not go out specifically looking for every area & location where a sidewalk doesn't exist & suggest that it should be. Tonight you're looking at a long list of locations where we have suggested it's appropriate to build sidewalks. We had many more requests, we looked at many other locations but many of them we did take off the list because we didn't think the time was right or there really wasn't the activity or the need for that sidewalk there. Not in all cases, tonight as people come forward & say they'd like to know who requested that the sidewalk or who complained, can we give you an exact name. But I can tell you every location was reviewed & we strongly believe that it does meet the needs & the warrants for a safe pedestrian way & we are recommending those locations. However, the purpose tonight is for you, certainly, & those folks in the audience to give you testimony on why they believe it is not appropriate for the sidewalk to be there &, we do have staff here & would be available after everyone has had an opportunity to share their thoughts to answer any questions you might have on those sidewalk locations.

Jerry Shoecraft, Council Chair: Thank you Roger. Joan, open it up please.

Deputy Clerk: Those in favor of this project could come forward & make statements.

Rich Wiese, 730 Pier 3: Tonight I'm here because I chair West O Area Business Association & when West O area was redone here a few years ago, about 4 or 5 now, there was a need for sidewalks out there, & the City requested sidewalks at that time to be put in from the Harris Viaduct down on W. "O" St. out to approximately 22nd St. & stop there. Once...and we worked real hard with all the property owners & with the city to get the sidewalks done in a reasonable time & they were. But a year later, we found out there was a request from people coming further west from the outside of town & even the western part of the town, that they were going underneath Highway 77 Bypass & from 22nd to 27th St., there were never sidewalks put in there. We've had complaints in front of our association that people seen people in wheelchairs out in the street, particularly in the slush & rainy whether, bad weather, muddy weather. And otherwise, they would be up on the area where sidewalks should be & then they'd come on in. So, we requested to Public Works at that time, & that was about 3 years ago, to have sidewalks put in that area. I have some photos here I would like to pass around to you to show you how the people use the area now. The need for those sidewalks are great. I'll explain that as you are looking through the pictures. There are actually paths worn down into whatever it is, either grass or weeds or what, along that road & underneath that bypass going up there. There's actually a path where people walk. They walk all the way up that path until they get across the last off-ramp from the interstate down to W. "O" St. & then that heavy traffic stops as you see in the pictures. But the people don't stop there. They cross that street, walk out into the busy highway & they travel either out of town or into town or to the motel or the business places out that way. Now, just recently there's a new commercial place property out there on the south side of O street that is being built & is being built quite quick with metal buildings for commercial uses. There are people that live out in that area, a little bit further out, that use that area. There are people who just migrate into town or people who go out for just walks that want to walk out in the country use that area. I guess I can't help anymore than to thank Public Works. They told us at that time, 3 years, they couldn't do it, they didn't have the money, the City didn't have the money for the sidewalks, 'cause quite a bit of this is gonna be either City or State property for sidewalks to be put in on both sides of those street. Then, you have some private land out there on the west side & you can see people, kids, I imagine kids, they ride up that steep bank there to get on an access road that's on the west side of this bypass & where they go from there, I don't know. But you can see where they're going up & down that grass lane there. I ask you tonight to give a lot of support to these sidewalks to help, maybe an accident be prevented out there or somebody get killed. As people drive out that way, they start to pick up speed because they're getting out of city limits & if people are walking along there, particularly in snow weather or rainy weather, it's really, really dangerous. I just ask you for your support

or any questions that you may have, I'd be glad to answer.

Walt Hutchinson, 611 Pier 2: I'm a business owner on W. "O" St.. I'd like to say amen to what Richard just said. The people that use that particular side of "O" St. that you're looking at in the pictures, are really people who would not be represented here normally. They would certainly not show up here. I have watched a lot of people go under that bridge & a lot of them are itinerants, a lot of them are people in handicapped, people in backpacks. And yet it is used a lot more than you would think & that's why we brought the photos with us. This sidewalk is going to be very practical. It's not going to be used for bicycles or tricycles or skateboards. This thing is really needed by the people who use it. And so I hope you will give it a positive look. Thank you.

Bill Vasosick, no address given, Vice President of West A Neighborhood Association: And first of all, what I'd like to say is, one thing that needs to happen is through the Comp. Plan is to get rid of some of these county roads. And that's what we're looking at. And I've got a couple pictures of...we've got, in the picture here, what you actually see is what is proposed. One of the problems that we have is they're down in ditches where the sidewalks are going to go in. As I've watched through the winter, snow being slopped across where the walks would be, where the kids might be walking. It is also across from Roper Elementary School & at Roper they'd have a 4' rise to come over to the school. In the proposed, they actually show the crosswalk location in between there & South St. The problem is we still got a 4' & the kids are going to take the shortest route. And so the concern of the neighbors in the area are that the kids are going to actually come out of the ditch, out of that 4' ditch out onto the roadway. We are very supportive of sidewalks, we don't want to make anybody believe that we don't want to see sidewalks. What we would like to see is we would like to see at least the area between South St. & the crosswalk maybe not be put in at least at this point in time to avoid some of those concerns & also the pictures showing the ditch & that 4' that you actually see a fairly deep ditch into there & where the sidewalks would be proposed to go would be a very concern. But what we'd like to see is in the Comp. Plan of looking at making it a actual City street instead of a County road to help move the traffic, number 1. Number 2 is to get in some storm sewers into there & put the sidewalks where they need to be at the street level rather than down in a ditch. Does anybody have any questions?

Jeff Fortenberry, Council Member: Roger, can you speak to some of the concerns that the gentleman pointed out with regard to the sidewalk being (inaudible)...

Mr. Figard: Well, I might ask Harry or Scott to come forward. They're a little more familiar. Scott Opfer is our manager of Engineering Operations & Harry Kroos is here as well would speak to how we try to deal with some of those issues.

Mr. Fortenberry: About the future of that roadway?

Mr. Figard: I think it's also in the new long range plan that currently is not in the 6 year program, so construction of sidewalks would try to be done in such a way as to preserve it for the future as best we can. Scott??

Scott Opfer, Public Works: I'm not in total disagreement with the W. "A" neighborhood on their concern about that being in the ditch. This was proposed as, essentially, a temporary fix because, if you recall, about 6 months ago, Principal Dan Navratril had come to you regarding his concerns about a new development south of that area along the east side of Coddington & the need to get sidewalks down to Pioneers Park & also to build...vice versa serve the new shopping development or the grocery store at Coddington & W. "A". These sidewalks were put in at that request. The concern about placing children or people down in that ditch is a legitimate concern. Personally, would not have a problem if we omitted some of those sidewalks in there. Basically between a new crossing which is identified...been identified to the Principal at about W. Jean, up to W. South St., I don't think that's a problem if we omit those. But those were put in to provide a continuous sidewalk all the way south to Van Dorn, essentially with the Krueger Development. The plan for roadways, as Roger said, is not in the Comp. Plan & at that time, the grade of the sidewalk would then be brought to the grade of the street like an urban cross section.

Mr. Fortenberry: A little bit difficult to envision just using street names exactly where you're referring to so you can do that on the side, that's fine, if you want to get that...it out to us & let people testify.

Mr. Opfer: I can do that.

Harry Kroos, Sidewalk Div., Pub. Works: The primary concern is is

the area from where the school crossing is up to W. South St. Primarily, we've identified a continuous sidewalk along east side of Coddington just to provide as Scott indicated. If we bring it up from the south of the school crossing & just cross people at that location, we primarily are serving the school. We also have to take into consideration that in the future, residents in the new Krueger development & the Lee's ridge area will want to go up to the new shopping center at Coddington & "A". If we do that & don't provide them a continuous sidewalk on the east side, we'll actually force them to cross at the school, go up to South St. or some other location & cross Coddington again for a continuous path up to the shopping center sight. So, we've kind of addressed two separate issues. The primary concern is is they indicate that there is a significant, I guess, change in grade between Coddington Ave. & the adjacent properties to the east. But we feel that there is an appropriate place to build the sidewalk. You can kinda see that the roadway sits up here & then the back of the properties are along here. We would propose building a sidewalk that's close to the property lines, probably within a foot or so in here. The grade is actually a little bit higher along here than it is at the bottom of this ditch but it is lower than this road grade by probably 3' or so. Until the road is improved to urban design, there is really no other alternatives other...I mean the option is to delete that portion of the sidewalk &, like I said, cross people at a couple different locations, but we feel it would be a functional sidewalk. We wouldn't encourage children to use this portion of the sidewalk during school days because primarily they'd cross at South St. & use the west side or if they're coming up this way, they'd use the (inaudible) & enter the school sight diagonally across there.

Mr. Opfer: This map is available in your packet too. It'd kind of give you an idea of the main piece between W. Jean & W. South is the one that they're really concerned about.

Jon Camp, Council Member: Harry, would you mind coming back for a second? I think because we're going to be talking about different sidewalks & different locations & a number of citizens have contacted, I think, all of us on different areas. What we were just looking at was in the vicinity of the school.

Mr. Kroos: Yes.

Mr. Camp: And is there a way for the benefit of our viewers as well as those here, you could prioritize where you want it because you have, or where you want to, build sidewalks where they may have not existed previously. Obviously schools are an area that...

Mr. Kroos: Primarily, this location & the location on 38th St. from "A" to "D" St. are directly related to the school safety issues. The remainder of the locations, you have a number of locations such as W. "O", N. 27th St. & S. 84th St. & out at S. 40th & Eagle Ridge Rd. which are adjacent to arterial streets where recent road improvements have occurred & we feel that with new development occurring in those areas, that we should provide some type of continuous sidewalk because generally, what you find & this is especially critical on an arterial street, is if there's not a sidewalk & the conditions are wet or moist & the ground is soft, that you actually encounter people walking in the street & the curb area of the street. The other locations, there's a wide range of residential, I guess, neighborhoods that we're showing sidewalks. And primarily, we identify those locations for your review as a result of resident or citizen input who live in those areas. The issues at 49th & Holdrege & 52nd & Holdrege to the north there, are specific concerns for children going to the UNI pool or the UNI park area. There's also some issues for school children going up to Riley school, which is to the south of Holdrege St. The remainder of the locations, like I said, range from generally 2 or 3 people or a single individual identifying a need in a residential area & in this, as Roger indicated, new subdivisions, we're real consistent on requiring sidewalks on both sides of all residential & arterial streets. The older neighborhoods you find a large disparity in the continuation or continuity of sidewalk systems because it primarily depended upon the developer or the builder whether they completed sidewalks. In some places you'll have sidewalks across several lots & then a large area where sidewalks may be on one side or neither side of the street. What happens in these older neighborhoods is the dichotomy of that neighborhood or the changes, you have the older residents selling properties to younger couples who then start having children & they start wanting the same amenities some of the newer neighborhoods do. Some people may get up & question our rationale or criteria for asking for these sidewalks, because they'll say they may see only 1 or 2 people walk or that people can walk in the street. We don't have a specific policy identifying the numbers of pedestrians that we need to see before we

request a sidewalk to be completed, so we, as these come across & if we see that there is some rationale to build sidewalks, we will make that recommendation to you.

Mr. Camp: Harry, if I may, you had mentioned the 38th St. & I've had a number of people inquire about that & I also know it well because I walked it in my early years for many times going to Randolph because I lived at Washington. Taking that as an example where you've got 37th St. currently being the major, & I would assume the designated school zone, because back when I grew up in that area, 37th & "A", we had no school crossing. It was just go across & now there is a light there. What are you visualizing here by doing...are you trying to shift people to 38th or do you really see that much use in that?

Mr. Kroos: Primarily, this was brought up from the Randolph School PTA here a year or 2 ago. Their primary concern is the residents that live on not so much "A" St. or 37th St. in that area. Their concern is that along 38th St. & the people that live to the east of 38th toward 40th St., along "B" & "C", don't have really a continuous sidewalk to use. And their primary concern as it was addressed to my section was that they've asked for a school crosswalk at 38th St., or a marked crosswalk at 38th St., but really without any sidewalks coming from the south of 38th & now when those students that live on "B" or "C" to use that corridor that there really wasn't justification for students to cross there, we would still encourage them. That the other issue is there is really no sidewalk on either side of "B" or "C" St. between "D" & "A".

Mr. Camp: There's no sidewalk though going from 38th to 40th on like "B", Mohawk & "C" are there?

Mr. Kroos: No.

Mr. Camp: Ok. Thank you.

Mr. Shoecraft: Thanks. Joan, call for continuation of public comment.

Deputy Clerk: Does anyone else wish to come forward in support of sidewalks? If not, then we'd open up to others that wish to come forward.

John McDermott, 3795 "C" St.: I'm here in opposition to the sidewalks, particularly the 38th St. sidewalk that we were just mentioning. Earlier today, I dropped off some information packets & I don't know if you've had a chance to receive those yet. I do have copies of those & I can just pass those in case you need the information handy. Primarily, our biggest concern is exactly the safety of the school children at Randolph School using 38th St. And we feel that adding a sidewalk in that area could actually become a safety hazard. As you realize, Councilman Camp, that there is a crosswalk signal at 37th St. Currently, the proposed sidewalk along 38th St. would encourage students &, by the way, we live on the corner of 38th & "C", & there are approx. about 5 to 7 students that walk down that street at the most. Of those, only 1 lives north of "A" St., the rest live south. And those students would then, if there is a sidewalk on 38th St., be encouraged to try & cross 38th & "A", rather than going down to 37th & "A" using the signal crosswalk & then using the existing sidewalks up to 37th & "D" St. where there is a school crossing. Whereas if they were to try to cross at 38th & then they would go down 38th to 38th & "D" & be encouraged then to try & cross at 38th & "D". It's a very narrow intersection, a very narrow street. It's a bus route & it's extremely busy in the school in the morning & afternoon with cars lined up. So our biggest concern is for safety reasons that putting a sidewalk along 38th St. would try to cause students to cross at 38th & "A" where there is no signal crosswalk. Now the information I passed out has other reasons as well, including the integrity of the neighborhood, & Kevin will speak on that in a moment, & I'll go ahead & pass these pictures around to kind of give you an idea, but also, you can see there's petitions included in that information signed by people that live on the property directly affected by the proposed sidewalk & by those in & around the neighborhood, all of which are opposed to having the sidewalk because we feel there's a great deal of citizen residential interest in not having the sidewalk placed in that neighborhood. With that, I will turn things over to Kevin.

Kevin Clark, 3821 "C" St.: I speak to you as a resident, as an architect &, actually, as a parent of young children, all of which who picked this neighborhood because it didn't have sidewalks. The information that I did pass around is from the Junior League's Architectural Album printed in 1983. It selected 60 significant buildings, neighborhoods & homes in Lincoln. Of the 60 projects, only 2 were neighborhoods, 1 of which was this 40th & "A" neighborhood. Brown, a reputable builder in our city, laid this neighborhood out not to have sidewalks. The way the houses are placed on the block, the way larger homes are pulled to the corners to create gateways into each of the

different blocks, it was planned not to have sidewalks. The character that will be diminished by adding the sidewalk to that neighborhood is just the beginning of the deterioration that we'll see because then you'll need to make it fair for everyone else on those blocks to start adding sidewalks. I come from the same standpoint on safety. There's nothing to be gained by adding this sidewalk in from a safety standpoint. I drive that road 4 times a day. I would encourage you not to compromise what is a very efficient & very well-working neighborhood. When I think you can see the amount of concern tonight on neighborhoods that aren't working quite so well. I'll save you the architectural history lesson cause I think you'll hear more of that tonight but I'll answer any questions if I can.

Mr. McDermott: Another quick point I wanted to make, many people who signed that petition including myself, we have 4 children, there are many parents who signed that petition, there are many children in the neighborhood & those that do have children are opposed to the sidewalk.

Colleen Seng, Council Member: The sheet that you handed out talks about the east side & what they're protesting for the west side.

Mr. Kroos: The initial sheet that you received on that list there did speak of the east side but our proposal is for the west side 'cause there is a more open corridor or space available in that right of way along this.

Ms. Seng: Are there others that you have that aren't on this sheet then?

Mr. Kroos: No, just that one.

Ms. Seng: Just that one. Okay. Thank you.

Elizabeth Petrekis, 4343 Washington: We are in the same area but our area is Kimble Crest. And we were informed that there would be a sidewalk on Washington between 40th & Sunburst. Again, our neighborhood was not developed for sidewalks. It was developed in 1946. I've been a resident in this area for 24 yrs. & we have not had any problems with children or safety in our neighborhood. I believe you have our proposal in hand. Do all of you have a proposal from November 11th &, at that time, we had 16 people opposed, the 1 family that is supported. But today we have 22 opposed & only 1 in favor & when I talked to Harry, he mentioned that 1 family suggested that we have a sidewalk in this area on the south side of the street because the family lives on the south side of the street. On the north side of the street, there are 5 homes that already have sidewalks. Not to get the north side of the street angry at the south street side of the street, we're not proposing that you add sidewalks to the north side because it will incur quite an expense to all of the people in this neighborhood & our block is a very short block & it does not go through. And, as John said, he walked the streets in this neighborhood plus several other residents so most of our people, have to leave, would the rest of you stand up? <Approx. 20 people stood.> And some of these people were there when the neighborhood was developed. They had children that went to the schools & we have never had a problem. So we would like you to take into consideration that 99% of the neighbors on the south side are opposed to this sidewalk, only 1 family or household asked to have a sidewalk & we are very disappointed that 1 family can upset a whole neighborhood.

Wesley George, 4221 Washington: I raised 3 children on there. I lived there for 30 years & we raised 3 children. And I can't see why a sidewalk should go to a dead end when you put here that the sidewalk's gonna go from 40th to Sunburst & end there. So that's why I'm opposed. I'm opposed to the sidewalk anyway because I got a sprinkler system in. We're gonna have to change all that. The layout of the land there's gonna be a...sidewalk's gonna have a hump in it or a step & so I'm opposed to this sidewalk deal.

Joy Schutt, 4201 Washington: I've lived in my house for 10 years. I've walked the street, that sounds kinda bad but, I've walked to & from the bus stop to catch the bus morning & night & I choose to walk in the street because there is block from 40th to 41st that has a sidewalk on the north side of the street & it's much more dangerous on there in the winter time because it's icy 'cause a lot of people don't scoop their walks. So, I walk in the street & I think that there is no problem because we don't have that much traffic to begin with 'cause it's not a through street. And so, I just want to express my wishes that you consider this & besides the expense, which I'm sure a lot of us are concerned about & I just thank you for your time.

Troy Griffin, 4045 Washington St.: We've lived there now for about 5 years & it's our first home. We spent a great deal of time searching for our first home in hopes that we could find a place that we could stay for a long, long time. In that search, one of our considerations was

obviously the neighborhood, what it had to offer, what we were looking for, the atmosphere. What we found at Washington was just what we wanted. We liked the front yards coming all the way out to the street, nice big front yards, no sidewalks. We have a couple of neighbors that have lived there for half a century or more. One of them watched my house be built in 1947. And they had kids. We have school age kids, have never felt that there was any sort of a problem or danger with their safety or our safety. As far as I know, none of my neighbors have ever said anything. We moved into that neighborhood knowing there was no sidewalk there. That was a choice that everybody there has made. It really helps the atmosphere. If we put in a sidewalk, it does change the neighborhood. It changes the way it looks & it changes the way it works & it changes the way that everybody acts. It becomes a different place to live. That's my big opposition to that. My understanding was that one family petitioned to have the sidewalk put in. As Elizabeth mentioned, there was also 22 people, the other 22 people on that side of the street, that are very much opposed to this sidewalk. The expense is also another thing. We don't have a lot of extra money. We don't pretend to be rich. I don't want to have to shell out a thousand dollars or whatever to put in a sidewalk that I don't want & didn't ask for. And I don't wish that on any of my neighbors either. Now that's a big expense for a lot of us. A lot of people live on that street are on a fixed income also. The financial end of it becomes a big deal to these people.

Jenny Griffin, 4045 Washington St.: The only thing I'd like to add is that there are a number of trees, very large trees, that survived the October snow storm that would have to be removed or the sidewalk would have to be built around going more into residential property lines because some of these trees are very big & it's a shame to lose more trees.

Mr. Griffin: There are a lot of people that take a lot of time on that neighborhood. There's a lot of pride there & we're really a big group, a close knit group. We stick together & have block parties & everything else. We're like a big family. And it's nice there. A lot of people have taken the extra expense to put water sprinkling systems in or planted flower gardens knowing that this is the right-of-way & it's not technically their property, but it does beautify the neighborhood. A sidewalk takes away from all that. So some gardens will have to be moved, some trees will have to be removed. Like I said, it changes the neighborhood, it changes the way it looks, it changes the way everybody acts & it changes the way everybody feels about the neighborhood. I would hope that the wishes of one doesn't override the wishes of 22, especially when a lot of those people have lived there for decades, some of them since it was built 50 years ago. Thank you for your time, I appreciate it.

Mr. Fortenberry: Scott or Harry, if you could come forward? Explain the rationale for this portion of sidewalk.

Mr. Opfer: I think as mentioned, it was one person that requested it. But the one thing that I do want to make a point & many of these people mentioned, they don't see a safety problem, but as many of you know I work a lot with schools & school crossing issues. One of the major issues I'm working on this fall, is a request from this exact neighborhood a little bit down the street of a school crossing at Cotner & Sumner & flashing lights at 48th & Sumner. So safety is an issue to this neighborhood. Although they have not made the specific request for sidewalks in this area, this plays a major part in the safety of getting kids to & from Holmes school & the other schools in the area so I did want to make a point about that.

Mr. Shoecraft: Thank you. Have you already talked?

Ms. Petrekis: Yes.

Mr. Shoecraft: You can't come back up, I'm sorry. Okay. You maybe can between now & then submit something in writing.

Ms. Petrekis: I already have.

Mr. Shoecraft: You have? Okay. But you can't talk on the floor. Thank you though. Joan, call for anybody else that's in opposition.

Jonathan Cook, Council Member: I want to ask Scott. This particular street, Scott...

Mr. Shoecraft: We might want to give our questions at the end & get these people up here.

Mr. Cook: Yeah, that's probably best. I'll wait.

Mr. Shoecraft: Ok. Thanks, Jonathan.

Marjorie Walker, 2750 S. 37th, a half block from Southeast High School: We moved there in 1955, the same year that the school opened. And there's a sidewalk on one side of the street, it was there when we moved & we were told that would be the only sidewalk there. We put 2 sons through school & there's never been any accidents or injuries or any

complaints as far as I know. Thank you.

Allan Worrest, 5144 Holdrege St.: I come here to speak in opposition to the sidewalk between 51st & 52nd St. on the south side of Aylesworth. And I guess I'd like to make a point of record. We have other land on that same block that doesn't have sidewalk but we weren't notified that there was any problem there. So, essentially, this was a segment that sort of was taken out of thin air so it seems. My brother here, James Worrest & I, we own all the land that abuts the proposed sidewalk. There are no other houses. And I actually got a diagram here but it's too big to put on your projector. If you wish to see it. The proposed sidewalk from here to there. There is Riley School down here. There's a school crossing. But right, as you can see, there's actually sidewalks completely surrounding our property & I would like to point out actually by putting a sidewalk here it actually will increase one more crossing of the street than if they went up here, cross here & go on up. So, it really detracts from the safety of the situation. There are maybe...there a few other property owners that could be possibly make use of it, but, essentially, this sidewalk has no use to us because we're going from...it doesn't attach itself to anyplace where we are. It will not help the kids because, like I say, it will actually increase the number of street crossings they have to do if they do use it. [Break in tape] Except for 3 houses here. Eventually this land is going to be built, mainly because we're...I'm in my sixties, my brother is a few years younger, we have no children so we can't pass it onto our heirs because there are no heirs. So, the only things that's going to happen is this land is going to eventually have to be sold unless the City is going to buy it as a park. So saying that is this...we are sort of looking at possibly building a house here. And if we build a house here, there will be a sidewalk built here. If we sell the land, and you have the sidewalk built here, you're going to essentially put things backwards. You're going to have heavy equipment going over the sidewalks in order to do the construction work, You're going to have to burrow under the sidewalk for gas, for water. So it really seems a little backward to be building a sidewalk now. I'm sorry I would say I was so disorganized in presenting this but I'm a little bit nervous standing up in front on you but if there are any questions I'll try to answer.

James Worrest, 5144 Holdrege St: As the only other owner of that property course I'm against it. And I would like to say use is very important & I...you won't see any deep pathways down on that property at all. So, it's not used. The people who do use sidewalks use the sidewalk north to our land.

Roger Spiece, no address given: I don't live in the area of 38th & "D" but I do have a rental property in that area, it's on the corner of 38th & "D". And it would be serially affected by the proposed sidewalk development. A number of issues have been brought up here about the traffic flow. I think it was mentioned by one of the City people that there's only been 4 or 5, 6 kids noticing moving up & down that street. I've talked to some land owners in that area that's voiced the same concerns. I've been over there in the morning & when school's got out & (inaudible) the traffic & everything goes along to 37th St. And I think that's a wise choice, I think in this day & age where kids are going all over the place, the more traffic you have going through one area, there's probably a lesser issue of safety than having kids wander off through neighborhoods where who knows what can happen to them anymore. So I guess having a corridor along 37th that's already established with a crosswalk makes good sense than starting to put in sidewalks throughout other neighborhoods. Also, too, I think a number of years ago, as was mentioned the snow storm, made the papers & everything, one of the biggest areas that showed pictures of all the trees that were damaged along that area & again, just the character & overall beauty of that area was severely damaged. I think by adding a sidewalk is going to further deteriorate some of the conditions & some of the things that draw people to that area. Me, as an investor, I looked at that property about 10 years ago, wanted to buy it, it was sold. Had the opportunity about 7 years later to buy it & bought it. And the big thing that draws tenants to that area is because the fact it's such a nice neighborhood. It has a warm, safe feeling. And I think the trees & the character of the buildings & the way that whole area has been established over the years was that character & integrity of the neighborhood. I did bring along a couple of pictures just to show you too some of the concerns. I think when I did talk to the...I think Roger, is that right, when they locate the sidewalks they have to go in approx. 7', I think there's a 3' barrier & then a 4' sidewalk if that's somewhere along the numbers there. If you notice, there's shrubs down here that have to be removed. This tree may or may not have to come out. You've

got a spruce tree here that lands to the property. You've got shrubs here on this side here, the storage shed, the shrubs here & the fence along here & trees would all be severely compromised, I think, by adding a sidewalk in that area. So for the cost & for the safety issues, I think are concerns. I think the costs are great for the landowners. I think the safety issues that have been voiced are very minimal when you already have existing corridors established. One other point I'd like to bring up is there was an article in the recent Lincoln Journal Star that addressed the issues that traffic's a big problem. I don't disagree with that in Lincoln, but one other thing that they also pointed out in here was that 58% of respondents said the city should preserve the character of older neighborhoods. Now, this is a little bit in regards to widening the streets, I understand that, but still when you have a 56% respondents that want to preserve the character of older neighborhoods, I think this is one of those issues that made some headlines, made some press & I think, again, people want to preserve the character of the older neighborhoods.

Brenda Hawkins, 4200 N. 44th St.: And that's a long ways from the sidewalk I'm here to object to but I'm here to object to the sidewalk on the west side of N. Main St. from west Cornhusker Hwy. to W. Saunders Ave. I own lots 1 through 6 & the north ½ of the vacant east-west alley adjacent to 2331 N. Main. So, if this sidewalk is put in I would have to be responsible for almost a block of sidewalk which would really be a hardship to me to pay for that much. The only other property owner along that strip that has property is Kabredlo's, the little gas station on the corner of W. Cornhusker & N. Main, & they have told me they too don't want it. They couldn't be here tonight but they asked me tell you that they are against it. And they don't see any benefit of building the sidewalk there, they said & I think too I've seen people walking on the other side of the street, which is a more friendly place to walk or a safer place to walk I think. And I feel that if there has to be a sidewalk between W. Cornhusker & W. Saunders along N. Main, the east side of N. Main would be more practical. There are owner-occupied houses on the east side so there wouldn't be so much expense for any one person if it was put it in. It would be divided up more. Also, one house on the east side already has a sidewalk so there would be less new sidewalk needed to have it all the way across. And one other reason that I feel that side would be better is because the owner-occupied houses, they are there to take of it & get snow & ice off when it's needed. I try not to drive when the weather is bad & if I have this sidewalk I not only have to get myself there from my home when the weather is bad but I also would have almost a block of snow & ice to remove. So, I would really appreciate it if could reconsider about it.

Joe Workman, no address given: And we've owned property at 2540 W. "O" for 11 years. I would like to read into the record my letter which was in an addendum to your packets. And I assume that you all got these pictures too. "This is in opposition to the proposed sidewalk north side of W. "O" from NW 22nd to NW 27th. I'd like you to consider the following issues in regards to the above sidewalk proposal. The bus issue - the Arnold Heights #12 bus run has bus stops located at NW 22nd & one at NW 27th. There is no residential or business source of pedestrian traffic between these bus stops. The area between these two stops is occupied by the Salt Valley Expressway which has freeway restrictions that is to prevent pedestrian traffic to W. "O". The traffic control issue - the requested sidewalk will cross two control signals on an expressway highway. I suspect that pedestrian controls would have to be placed at these locations at the large expense of taxpayers & the benefit of very few pedestrians. Bike vs. pedestrian wear path - We believe the wear path has been created by bike traffic & not pedestrian traffic & we base this on the enclosed photos & local business observations. If, in fact, the path is caused by bike traffic & not pedestrian traffic, then two things have to be considered. One, the path can be established with a relatively small amount of traffic over a short period of time. It can be reasonably be assumed that the bike traffic will travel a greater distance than local foot traffic. It is, therefore, unreasonable in my opinion to spend a large amount of money to allow bikes to travel a few more blocks before being dumped back onto W. "O" St. Safety issue - if you consider the sidewalk, then you should also consider the unavoidable placement of this sidewalk only a few feet from traffic flow of 45+ miles per hour. This situation is created because of the unmovable support structure of the overhead bypass. And, finally, the maintenance cost issue - the maintenance responsibility for this proposed sidewalk would be shared among 4 individuals: the Dept of Roads & the City of Lincoln, which are the two larger land owners there, 2 different government agencies would have to send snow removal equipment & personnel from different agencies to maintain these sidewalks. We appreciate your consideration of these

issues & sincerely hope you will not support the need for this proposed sidewalk. Joe & Tina Workman." And, I would like to also add that the only people that seem to be for this is the W. "O" Business Assoc. Which in 11 years, I've never been contacted by them or ever asked to join that association. And through a great deal of trouble last Tuesday, I found out they had a regular meeting at which I attended, Councilwoman McRoy also attended. Of the people at that meeting, there were two people Mr. Wiese & one other, that comprised two people. And at the end of that meeting, I asked the other member, who is the treasurer, what he felt about the sidewalk, 'cause I'm trying to find out where this support came from & it's very difficult to find out where the support came from. And that member, which made up 50% of the meeting, said that he drives by that location every day going home to work & in his opinion it was not needed. And I think I also submitted a letter from a fellow who's been in business on W. "O" for 25 years with the same opinion.

Rebecca Burnthall, 2132 S. 37th St.: The proposal is for a sidewalk from South St. to Van Dorn. You already heard of one of other testimony against the proposal. As she mentioned, there already is a sidewalk on the west side except for one block just off South St., so there is a sidewalk. Again, you're confronting a neighborhood where the integrity of the landscaping, the lay of the land, would be compromised along with landscaping issues. Again, I called the Sidewalk Office, of which I didn't know there was one until now, & they would not tell me who brought this proposal forward, but they said it was an individual from the neighborhood apparently. But, I don't know why their reasoning...what may have been their reasoning for it. I would suggest perhaps a better proposal for the Council to consider might be an ordinance when property is sold, sidewalks are installed. That may, indeed, solve some of the problems of testimony year after year of people coming forth & opposing. If it's an understanding between the buyer & seller that the sidewalk goes in as properties are sold, that may be a better option for us. I would also have you consider that parking on Friday mornings in that neighborhood may be a bigger issue than sidewalks. Thank you.

Dorothy Nussem, 3700 Sewell: Council members, we have several owners in the 60-70-80 age group. Many are living on a small fixed income. They will not be able to clean the sidewalk if we happen to run into a winter with a lot of snow or pay for the sidewalk. Several are single parent owners & they are struggling along to pay for their homes & everything. Most high school students walk in the street if there is a sidewalk as we have on the west side from Sewell to Van Dorn. I work around the neighborhood with gardening & I observe the bus riders which we have about 4 on our corner everyday. People leading dogs, bicyclists & joggers. Many do not use the available sidewalk. Part of the front yards were not designed for sidewalk as much grading would have to be done in order to put in a sidewalk. We also have one block where the sidewalk is along the curb. Several neighbors said they would only approve of putting in a sidewalk if they could put it along the curb & this way they would save the trees & the landscape so they wouldn't have to do so much work.

Mr. Camp: What area was she addressing?

Deputy Clerk: Her address is 3700 Sewell.

Ray Farley, 18501 SW 42nd in Martell: I don't want a sidewalk at 5539 Wilderness View because nobody walks there. I don't have any worn paths, I don't see any kids out there. It's right next to Wilderness Park. I can't quite understand why anybody would want a sidewalk there anywhere. Like I said I've lived there 14 years, I suppose I've seen 5 or 6 kids at 2 or 3 in the morning screaming & yelling in the road but I don't even think I have foot print on my grass for lack of kids. There just isn't anywhere for them to walk to. The buses...school buses or whatever, they all run up on Wilderness View or Limestone or whatever. And then if we were to install this sidewalk, they're going to put it over the water line that I had to pay for, by the way, & that seems kinda silly. Now there's a lot of trees there 'cause I am right next to Wilderness Park. And it's just gonna create...the roots of these trees in my neighbor's yard & in mine, which I have quite a few, they don't have to removed or anything but the roots, these are 50-60 year old trees, the roots are just going to lift these sidewalks on a yearly basis which is going to create more & more hassle & every week you're going to have to come out there & tell me to do something different with this sidewalk. And there's a large church out there, Christ's Place....

Mr. Fortenberry: Can I interrupt sir?

Mr. Shoecraft: Staff come forward. Is it...I don't see what the...sidewalk he's talking about on our list. Is it in there?

Mr. Figard: Yeah, Group 5.

Mr. Farley: Oh, maybe I'm wrong, you don't need to put it there.

Mr. Fortenberry: That was an easy one.

Mr. Kroos: He's speaking about the sidewalk along Old Cheney Rd., between Limestone & (inaudible).

Mr. Shoecraft: Okay, alright, I got ya. Okay, go ahead sir.

Mr. Farley: Okay. And if they would put this sidewalk in my neighbor's yard, which is Mr. Yant I think, there's this great big holding pool for the water to cross under Old Cheney & to go into the overflow ditch & that would have to be either eliminated or something done to it, I don't exactly know what. And it also floods down there, so that would probably take out the sidewalks on a yearly basis too. I just don't see any need for it since nobody uses it & I don't know who come up with this idea. But, thanks.

John Pasika, 2340 S. 37th St.: Like a few of my neighbors are saying we really don't need a sidewalk on the east side of the street, especially since there's one on the west side. Very few people even walk on the sidewalk that live in the neighborhood. They like to walk on the street & they walk their dogs on the street. The kids in the neighborhood that go to Southeast do not use the sidewalk, less than 10 kids per day are even walking on the sidewalk on the west side & one of them is my son. The other kids on the southeast are walking in the street & they don't use the sidewalk. The only part on the west side is no sidewalk is from Sewell to South St., in which there is a congestion there on Fridays with the protestors. And there should be an ordinance having no protestors during business hours. That'd eliminate that. But we really don't need the sidewalks because if you put one on the east side, you'd have to pave the street that is dirt on Lake St. You'd have to move a couple of fire hydrants, I believe, & there's a couple nice trees there that need to be moved & street lights. Why go through the additional cost when the neighborhood doesn't need it? Thank you.

Darrell McCabe, 2601 N. Eden Dr.: There's a sidewalk proposed on Antelope Creek Rd. for me & I really don't see the necessity of it. We don't receive too much traffic there. The traffic that we see crosses the road to the park which is 4 blocks long. And the sidewalks in that area are sporadic at best. That neighborhood's been there for 40 years. They've done well without a sidewalk there. I just don't really see the necessity of it. I have 2 very large bushes that would have to be drastically cut back to make way for a sidewalk & a small tree that might have to be removed. And I just feel that the majority of the traffic that goes east & west on this road go across the street to the park. So, I oppose a sidewalk in my yard. Thank you.

Tim Westenburg, 4000 L St.: They're proposing a sidewalk between "J" & "O" St. on 40th. I live on the east side of 40th, the front of the house is on L & then the side of my house runs along 40th St. I've lived there for 2 years. I work at nights so I observe most of the foot traffic. I live on the 1st floor. I think in the 2 years I've been there, I've seen 2 people walk through my yard. The west side of the street on the other hand, has a bus stop at it. There's a clear path been walked on. The grass is trampled. I just don't really see why...the house was built in 1920. I don't see why in the 80 years that the house has been there, that no one has required a sidewalk be put in. I guess that's all I have to say.

(Inaudible) with the (inaudible) Corporation, no address given: And I'm not against the sidewalk but I have the problem. My property line is away from the W. "O" St. center of the street is 170'. And between the W. "O" St. & my lot line, there's a frontage road. Then how come I'm responsible to put the sidewalk on somebody else's property? You can see the W. "O" St. here & my property line is here & there is a frontage road here & how I can be responsible to put the sidewalk on somebody else's property. All of the...on the W. "O" St. all the commercial property is about less than the center line of 60' away from the "O" St. & only my lot line is away from 170'. So, you guys look for (inaudible) commercial property, they are on the right on the "O" St. & I'm away from the "O" St., so look (inaudible) other business & go from there.

Mr. Shoecraft: Real quickly, could staff answer his question real quick?

Mr. Figard: This particular case his lot does set back. There's a frontage road there. It's still part of State right-of-way & I guess he's guilty by association. Typically, a property owner is still responsible

for the area from their lot out to the curb & because the right-of-way is wider doesn't eliminate the need to put in the sidewalk or the suggestion he'd be responsible to put it in.

Mr. Camp: Roger, on that though, where you've got intervening frontage road, it seems like that's a little bit different situation. Most of us don't have...most homes don't have a road between their yard & the next road.

Mr. Figard: That's true, however, along Cornhusker Hwy., there are a number of those. So far, in our time of ordering these in, the property owners that do abut those frontage roads, we have asked them to put in that sidewalk & be responsible for it. It is different than some of the residential areas but it still is a pedestrian corridor along the arterial street & that's consistent with what we've done in the past.

Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of Representing Whitehead Oil Co., the owner of property on N. 27th St. I'm not here to object as much as I am to just make sure we get clarified for the record. The property that's owned by Whitehead Oil is subject to subdivision bonds for sidewalks & we were notified of a required construction by the letter that was sent out. I had a conversation with Harry & he informed me that the subdivision bonding time limits would be a year or two & that we would not be ordered to construct these prior to the expiration of those bond times. And I just wanted to make sure that was confirmed on the record & Harry, if you would do that, I'd appreciate it.

Mr. Shoecraft: What's that address, Mark, again?

Mr. Hunzeker: Uh, 6000-something N. 27th St. If we could get Harry to confirm that on the record, I'd appreciate it.

Mr. Kroos: In our efforts to provide a continuous sidewalk, especially along a major arterial such as N. 27th, when we order these in, we include all the properties that abut that arterial street. If we get to the point where we need to include it in a district or we get to the point where we need to build sidewalk, Law, in the past, has indicated to us that our previous agreement through the final plat agreement on that subdivision is what our binding agreement is. And we would still follow the provisions of that final plat agreement allowing for completion of those sidewalks.

Gene Schmidt, 2105 S. Coddington: I'm just right north of the Roper Elementary School. I have about 700' of property to put the sidewalk in. And I feel it's unnecessary. There's a sidewalk north of the street that about 20-25 children use every day. This sidewalk would go nowhere. It would go down over the hill down to the creek. And I felt like if the sidewalk was put in, there's a lot of people, 6-8 cars a day park out north of my property picking their kids up from school & the street is marked "No Parking" because there's no on-street parking. When we had the street paved, it wasn't paved that wide to have parking & still have safety for traffic. And I feel like it encourages more people to park along the street &, therefore, it being more of a hazard for people coming to the intersection. I know there's times I leave my back driveway & it's a hassle when kids are out there trying to, you know, kids are liable to dart out from cars. And it's a hazard. They can't enforce the parking that's there, you know. So, I feel there's no need for the sidewalk at this time. And I sure don't want to help contribute to a safety problem.

Mr. Camp: Mister Chair, I have a point of clarification, if I may? This is a resolution so I assume under normal procedure we would be voting on this tonight?

Mr. Shoecraft: Well, what we're going to probably do...end up doing, for the public's information, we're probably going to delay this a week & have a pre-Council & go over any possible changes our council members may want. And then we will vote on it more likely next week.

Mr. Camp: I appreciate that.

Mr. Cook: A couple quick questions & then we'll save anything else for a pre-Council. On Washington St., the issue of safety for kids came up. Do you know what the traffic volumes are along a street like that, I mean, if...that may make a difference in some circumstances if kids are walking in the street?

Mr. Opfer: I don't know the specific volumes. You're probably looking at anywhere from 100 to 300 vehicles per day on Washington St. That may vary on school days. There may be people that do use that route.

Mr. Cook: That's not a collector street, Sumner is the collector.

Mr. Opfer: Yes.

Mr. Cook: Okay. And on S. 37th, trying to remember, where is the bridge being removed as part of Antelope Valley, is that 37th? It's 38th St.

Ms. Seng: South of South.

Mr. Cook: Okay, thank you. Actually, I think it'll probably be longer than a week. So, would it even matter if went till January before we pulled this back off pending?

Mr. Shoecraft: Let's deal with this.

Mr. Figard: There would be time. Typically, those sidewalks ordered in you'd want to give property owners warm weather in which to build them & that would be spring. And if they chose not to do those in the area, then the City still could move ahead with an assessment district against some of those. But I guess I wouldn't delay them too long. Staff will prepared to visit with you & work through the issues so it doesn't leave them dangling.

Mr. Cook: I don't care, I just didn't know what our pre-Council schedule was.

Mr. Shoecraft: We don't have a pre-Council next week.

Mr. Cook: That's fine.

Mr. Shoecraft: And I was...I had a chance to visit with Harry & Scott & a little bit with Roger & I was traveling over the weekend, Thanksgiving break, & I was thinking about sidewalks & that's pretty sad. And I came back today & I met with Allan Abbott & the Chief of Staff to the Mayor's office, & trying to come up with some type of public compromise in regards to sidewalks & a couple things that Allan Abbott, Director of Public Works, was amenable to was, for example, I suggested that on new arterials sidewalks be put in with street construction funds so they can be identified as a transportation issue. On old arterials, we wouldn't put in the sidewalks unless there was a driving project, such as housing, a new store, school, etc. But we're not saying no, never to sidewalks. Sidewalks where there's a public health & safety issue by these schools, libraries, etc., they must go in. But on the same side of that, flip side of that, if there's a public safety issue in regard to putting them in then we don't. In areas where neighbors who don't want them & there's been a majority of neighbors come forward or demonstrated that cause, I don't feel like we should force those sidewalks on those neighbors. And area's where there's a small gap, let's say 300', 400', the Mayor can put those in through executive order & we don't have to deal with those. So, we're not sidestepping the issue of sidewalks but this allows us to address the needs of sidewalks 'cause I've used sidewalks as a quality of life issue. And this way, (inaudible) outline with Allan Abbott & the Mayor's office, this is a way we can get some sidewalks done, an innovative way of putting sidewalk funds or street construction funds & identify them as a transportation issue from the old arterials, we don't put them in unless there's a driving force again, such as a housing project, new store or school that would warrant that sidewalk at that time then to go in. But not to say no, not to put them in. So, that's something I hope the Council will consider &, Roger, next week at our pre-Council, I think it's a win-win & so we could discuss it next week.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 37 ACRES OF PROPERTY GENERALLY LOCATED S. OF HWY. 2 BETWEEN S. 70TH ST. & PINE LAKE RD. (IN CONNECTION W/00-215, 00R-320);

CHANGE OF ZONE 3282 - APP. OF LIVINGSTON INVESTMENT, INC. FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH & HWY. 2. (IN CONNECTION W/00-214, 00R-320);

USE PERMIT 132 - APP. OF LIVINGSTON INVESTMENT, INC. TO DEVELOP 267,812 SQ. FT. OF SPACE TO INCLUDE RETAIL, OFFICE BUILDINGS, BANKS & FINANCIAL COMPANIES, RESTAURANTS, DRY CLEANERS, ON & OFF SALE OF ALCOHOLIC BEVERAGES, & A WAIVER OF THE SIGN REGULATIONS TO PERMIT A SIGN AT THE SOUTH ENTRANCE TO THE SITE, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH ST. & HWY. 2. (IN CONNECTION W/00-214, 00-215, 00R-325) [NOTE: PLANS ARE ON FILE IN THE CITY CLERK'S OFFICE IN THE FILE ROOM, ON THE SOUTH WALL WITH THE OTHER ROLLED PLANS.] - Mary Jo Livingston, 7420 Yankee Hill Rd.: I'm here this evening as a representative of Livingston Investments, a subchapter S Corporation owned solely by David & Mary Jo Livingston. I am here tonight to deliver on a promise, a promise made two & a half years ago & reiterated again last March. A promise made when two Planning Commission's & two City Council's designated or reiterated our property at 70th & Hwy. 2 as Commercial. A promise made when then Mayor Mike Johanns signed Resolution #78661 designating our property commercial. We made a promise to design an attractive, quality development & entryway

to our City. We've had discussions with the various neighborhoods & realize that it's human nature to resist & fear change. We have addressed their concerns about traffic, noise, light & litter. We have received letters of support from Edenton South & from residents of Amber Hills. I would like to read you an excerpt from the letter from the Edenton South Homeowners Assoc.: "We feel the care & understanding your plan shows of environment factors, potential noise reduction, topographical considerations, & physical spacing of structures will make this proposed development an example that other developers should use as a guide. We congratulate you on your proposal & wish to make it known for the record that the Edenton South Homeowners Assoc. supports your development of this area near our subdivision. We are here tonight to deliver on our promise. We have assembled an outstanding team of architects, engineers, landscape architects, attorneys & designers to present to you our vision for Willowbrook. We have been asked & are excited to lead the way in establishing an entryway standard along Hwy. 2. We are going to be using the creativity of our team to lead the way in designing a unique & pleasing entryway & development. To achieve that, we have increased setbacks along Hwy. 2 from 50' to 100' to buildings & to 75' to pavement. Within these increased setbacks, we have asked Kim Todd to design a plan utilizing native trees, shrubs, grasses & wildflowers much as on her Interstate 80 corridor plan. The walkway on the screen is on one of the berms along Hwy. 2. At the request of one of the neighbors, we have widened that walkway...[break in tape]...tree line except where the stone arch bridge & the water quality enhancement pool are. In this photo, this is all existing trees right here & these would be added from our landscape plan. We are presenting a unified architectural theme which includes the use of cultured stone accents on buildings, stone signs, a stone bridge, & landscape stone around the water quality enhancement pool which is the focal point of our development. We are also utilizing a much lower floor area ratio than the Comp. Plan allows. We are showing a 17% floor area ratio where the Comp. Plan allows for up to 25 percent. We believe by combining the above factors, we're providing a plan that has much less building area than allowed & significantly greater green space & landscaping than is required. We're truly excited to be here tonight & to be bringing our plan forward. Thank you.

Michael Bott, architect, 1540 S. 70th St.: I may need just a minute or two more with the number of things I'm going to try to cover. I'll zip through them but we'll try to make it as brief as we can.

Mr. Shoecraft: Six minutes.

Mr. Bott: Six minutes? Okay. It has been a privilege to work on this project because the approach that's been taking is not like I've experienced on a lot of projects. If there was a need or a neighborhood concern that we could address, effort was made to deal with it & add berming or planting or look at special lighting or acoustic measures & I'm going to be talking about some of those. As you know, the site sits along Hwy. 2 which is 4-lane expressway but it's on an important entryway to the City of Lincoln and, therefore, working with Planning Staff we increased the setbacks from the required 50' to a hundred feet minimum to buildings & 75' to the parking areas. In reality, the home improvement center is over 300' from the roadway itself. So, there's going to be a lot of green space between the big buildings & planting & ponds between the cars that go by & what they'll actually be seeing, what will impress them as they come into town. And as Mary Jo mentioned, we also have the water feature. We have special signing which has been developed & which will have 3 ground signs around the site to identify it. We'll be talking a little bit about acoustics & lighting & the actual buildings themselves later. But in regard to the site planning, the planting along Hwy. 2 has been increased from the required minimums required by Planning & Kim Todd is going to address that a little bit later. The site does have quite a bit topography on it. Forty foot of fall from the intersection of 70th & Hwy. 2 to the lowest portion &, therefore, as you can see here, from that intersection, the home improvement center will be dropped well below the line of sight & will actually be below the sight line of the trees. These computer renderings start out with a digital photograph & then we add in by computer the buildings themselves & check it with cross sections to make sure that what we're looking at is what a person will actually see. The orientation, could we go back to that (inaudible) Mary Jo, the orientation of the home improvement center is such that we've had the delivery area around on the back side of it with the front of the building facing 70th St. & Hwy. 2. And, again, the acoustics of this is going to bury the delivery areas of the two main commercial areas to the center of the site which will protect the residential areas to the west & to the south. In regard to other aesthetic considerations that we're looking at,

the berms have been added to increase the...cut down the views along the primary roadways. And I think we have a view from Hwy. 2. Berming along Hwy. 2 with planting to visually soften & green that entryway view there. Some of their...were some of the areas where after talking to residents in the neighborhoods & we did meet with the residents of nearly every neighborhood around there that had some concerns about the project. And we did pick up whatever we could from them. Site lighting & acoustics is the next thing I'd like to talk about. And there were concerns about hey, what's going to happen when these lights go on at night & so we went beyond just the normal parking lot lighting &, as you can see here in this plan, these are the actual photometrics of the lights that we intend to use. We're looking at a lethonia parking lot light & we have a catalog (inaudible) on that to show you here. And these circles indicate the area in which the light will project a foot candle of $\frac{1}{2}$ foot candle. And then by the time we reach the edge of the site, we'll actually be at generally zero foot candle. The city does allow...currently has a very good code & does allow .2' candle. So, we're really going beyond. And if we can see that catalog cut, because we knew this was a concern, you can just flip that over, okay, this fixture does recess the lamp up into the luminere & we were going along with that thinking that we had the best we had but in talking to the factory, they can get a flat bottom lens on that instead of a sag lens which cuts the projection of light even more. So, we're going to do that & Home Depot is interested in doing whatever they can to make this as neighborhood friendly as possible so that about 97% of all the light is going to be thrown down at an angle of 65 degrees. Absolutely none will go up into the sky & have waste light or this is one of the few fixtures, one of the few companies that design a light that is truly dark sky compliant & going to keep the astronomers happy. Okay. On acoustics, if we go back to that site plan, we worked with a physicist by the name of Dominique Shan in regard to some concerns that on a lumber yard, you have that loud speaker out in the yard for the guys to get the lumber & bring it in but, actually, Home Depot is an entirely indoor facility but they do have a garden center that does normally have a couple of speakers on the building. So, we said well, let's check it out. So we called Dominique &, by the way, Dominique's the one that did the study to determine that the scaffolding in the building on the State Capitol would actually be a problem to the people working there & he brought his instruments & I don't want to bore you with just the calibration of the instruments but, basically, what he found was there's about 65 decibels of ambient noise around the site (inaudible) so what we're going to need to do is change the type of speakers that we have to shoot the sound down into the ground. If we do that, we'll be inaudible off the site. And so, the long & the short of it is, we've gone to extra measures in acoustics & lighting to make this more neighborhood friendly. We do need to talk about, very briefly, the building design. In working with Staff, they wanted this to be an entryway to Lincoln that they could be proud of to set a standard for others. Normally, large retailers have a building that isn't going to fit that mold. But in working with Home Depot, they were willing to dispense with maybe some of the orange canopy, bring in some cultured stone. And we're going to have cultured stone on the face of this building (inaudible) & entryway features and, in fact, on all the buildings on the site & tie this together with an architectural theme that will make this a truly beautiful site & project. So, we also have a picture here of the free standing buildings that'll be on the site & they have requirements as well to tie them together with the big building. Canopies &, again, the synthetic stone & copings on the tops of buildings. So, it's not just the normal national chain stores coming in doing what they normally do. We're going to have as you drive by this site. If you can see through the trees, you're going to see buildings that are tied together with an architectural theme & we think that's going to be over & above just the average development. On this site, by the way, there is approximately 1200 vehicles a day going by, which about 15% of that is trucks, so that's 180 trucks per hour or about 1 every 20 seconds. So, from any given point, in a second you're going to see some pictures of...taken on the site & there's some (inaudible) showing up in most of these & the reason is about every 1500' in front of this 2000' of frontage, will be a semi at any given time during the day. So, that's the condition that exists acoustically on the site at this time. If you have any questions, I'd be glad to try to answer them.

Mr. Shoecraft: We'll have them at the end. Thank you.

Kim Todd, landscape architect, 4321 Stockwell St.: Mary Jo & Dave Livingston have really done something that is fairly unusual in development in a City when land costs are at a premium. And that is they have chosen to increase the setback of right-of-way & increase the

landscape prior to the time that they're actually asked to do that legally by a change in ordinance or a change in requirement from the City itself. You've already heard me talk at length in the entryways projects about the kinds of the things that we are really wanting to encourage the City of Lincoln to do to create really a very wonderful & unique feel for people who travel not only to & from the City but within the City itself because of course we all use roads like Hwy. 2 to get to other parts of the City. It's really sort of our beltway at this point. And what the project will do is take advantage of the fact that Hwy. 2 already does have a rolling terrain &, of course, hills are a little hard to come by in Lincoln. They will...in doing the grading, maintain the rolling terrain & add to it in adding berms in other portions of the site as well. And then take advantage of the quality & the character of the native & natural landscape that really does occur in a lot of the draws, in the surrounding residential neighborhoods as well as along Hwy. 2 itself. Native plant material, broadsweeps of grasses, shrubs, & trees & so forth so that rather than having what I kind of call the typical oh, let's hide it with pine trees approach, we'll end up with a landscape that really is more indicative of the quality of the State of Nebraska itself. As well, obviously, as enhancing the natural quality & character of the stone that Michael Bott has chosen for the building. Within the development itself, Mary Jo & Dave intend to carry that quality & the character of the landscape &, of course, kind of within any landscape zone you work your way in from a native or natural landscape to a more managed area as you get closer & closer to the building. But that doesn't mean that the same kinds of materials can't be used to pick up on the character, create a lot of winter interests, interests from November to March, April, May or whenever we happen to be in the dormant season & we need things like colorful bark & fruits & those sorts of things as opposed to the fleeting flowers of the spring. So, that's really the intent of the landscape project. Certainly, it may, in the minds of the residents, not make up for the fact that it's a very large building & it's a very large parking lot. But it's also an attempt to do something from an aesthetic & quality of life standpoint that does go beyond what would be typically seen in a development of this type in Lincoln.

Mark Minelli, Speece Lewis Engineers, 3534 S. 48th St.: I would like to talk about three issues tonight: sewer line, wetlands, & storm water management. I would like to put on the record a set of plans that were submitted to Planning & that should be in your packages in case they need to...there's nothing different from this that was submitted earlier. One of the major components of all major subdivisions are the utilities & all the utilities are to this site except for the sanitary line & up on the screen you can see this is Pine Lake, this is 70th St., & our site is this region right here. This is our site. There's a major trunk line, a 27" line, that ends right here at Shadow Pines. The intent is to bring it south to Pine Lake then east a 15" trunk line to our site, the Livingston's south property, extend it through the site, servicing this area to a juncture that would allow for a north trunk line that would service the Berean Church, Livingston north property, the Pine Lake S.I.D., & the Mooberry property up in this region. It also allows for a south leg which would service Livingston's south property, (inaudible) south property, St. Elizabeth property, Porchie(?) North, Hampton Development, Seventh Day Adventist & approx. 15 acres of Andermatt's property up at 84th St. I would also like to point out that there's a major amount of area down in this region south of Pine Lake that would also be available for tapping for future development. Wetlands, environmental issues were looked at. There are wetlands on the site. The dash line along here are the delineated wetlands that were physically surveyed in by myself & the wetland communities were identified & all except for two locations were completely stayed away from. We have a road crossing here which you saw the renderings of the stone arch bridge which I'll talk about in a moment & then this area up here which is actually an enhanced wetland area & our intent in that area is to take a nonfunctional wetland area that has been overgrown & silted in, clean it out, utilize this structure which is actually a culvert with a bottom with a stone arch facade to maintain that flow line & to allow water to enter into this zone, let solids drop out, slow the water down & also create a wetland environment that is more conducive to the Beal Slough. The rendering that you see over here, & that Mrs. Livingston showed you, is void of wetland plants so that you can see the architectural features. 'Cause what you'll see in the long run are the wetland communities, different plants & different depths because the water will be held at different...you'll have sedges, bull rushes, cleaning plants that have a water quality, not large trees & reed canary grass which is out there right now. The Beal Slough

Master Plan was utilized to delineate the width of the flood plain which are indicated by these solid lines & the limits, as you see, go outside this delineation which is the delineation that is required in the flood plain corridor. Is what we've done is to maintain the stormwater runoff, we have done off-site mitigation up in this region which is on the Livingston north property as well as the Berean Church. An agreement has been reached between those two property owners to allow for off-site storage & to eliminate any additional run-off by the Berean Church in the future. I would like to point out that this is in place & functioning. The hundred year discharge has been reduced by over 300 cu. ft. per second. The 10 yr. discharge has been reduced by 140 cu. ft. per second. And at the two year, without the inclusion of the water quality cells, is at no net gain as required by statute. This area down here is a water quality cell. We're taking this area, the subdivision, drawing the water into there, slowed the water down to allow solids, debris, cigarette butts to drop out so that clean water could pass out of the site. The advantages to that at the low flow were not included in our calculations so, in reality, the Beal Slough is seeing more of an advantage than what we've shown in our numbers.

Tom Thoreson, no address given: I'm the Real Estate Manager for Home Depot, responsible for the State of Nebraska. Home Depot is a home improvement retailer which operates in a warehouse-style format. This proposed store is approx. 116,000 sq. ft. with a 16,500 sq. ft. garden center. Stores typically stock 50,000 different kinds of building materials, home improvement supplies & lawn & garden products. Presently Home Depot operates 1,050 stores in North America, Puerto Rico, Chile & Argentina. This store is estimated to employ approx. 180 employees with a wage averaging between \$11 & \$13 an hour which includes benefits & a tuition reimbursement program. Home Depot also offers no minimum wage jobs & its anticipated that the annual payroll of this store will approach \$2.9 million a year. Although Home Depot opened its first store in Nebraska several months ago, as a new retailer to Lincoln there are many unknowns about the corporate culture of Home Depot. A large part of this culture is the corporate responsibility for its willingness to give back to its communities that it serves. This is where the company focuses on charitable contributions & volunteer efforts in the areas of affordable housing, at-risk children, promoting the environment & disaster relief support & services. Home Depot contributed to communities last year in excess of \$15 million various organizations & it is common to see that delivery of building materials of temporary support items following a natural disaster. As a member of the Ford Stewardship Council, Home Depot leads the way as a retailer in supporting products carrying the Certified Well Managed Forest Certification & prohibits the sale of wood products from environmentally sensitive areas or endangered species. Because of these efforts, Home Depot has received many national awards as recognition for its dedication to give back to its communities. In the spirit of being brief, I'll conclude here unless there are any questions about our operations.

Mr. Shoecraft: Not at this time. Thank you.

David Livingston, 7420 Yankee Hill Rd.: The first thing I'm going to do tonight is just to lead you on a virtual reality tour of the site. You've heard about the landscaping, the topography but what you're going to see is an unadorned tour. There's no changes made. What you're going to see is a worst case scenario & from various vantage points, we'll show you the actual photograph of the site with buildings interposed to scale. You should note that with only one exception, no attempt is made to adorn or dress up any building but rather just show blank buildings in relationship to their surroundings, a dimensionality so to speak. The first view is from the intersection of 70th & just north of Hwy. 2 at the private drive to a residence. You can see the very top of the proposed Home Depot Building from this spot &, if you look real hard, you can see the roof line of the two buildings in the corner outlot. That, again, is because of the topography. The second vantage point is from...is that of an eastbound traveler on Almira Lane. Because of the tree mass that you will see here to the right, & the topography, again & since the floor of those two buildings will be 18' below 70th St., only the very tops of those two structures are visible. The third vantage point is at the end of Marcus St., facing east, & this is on the very edge of Country Meadows. Lord of Life Church sits between this vantage point & 70th St. &, again, the elevation difference plus existing trees produce only a glimpse of the upper half of Home Depot. You kind of have to look hard to sit it from this but this is at scale. From the east edge of Ann's Court in Country Meadows & this is clearly an area where from 3 to 5 homes see part of the center. This is the view looking east/southeast. The white building in

the foreground is a neighbors barn & in the background is the top right hand corner of the proposed Home Depot building. Camera angle #5 is taken from Pine Lake Rd. & this is just west of the Jehovah's Witness Church. From this view, you can see Home Depot to scale as it would appear to eastbound travelers. That's just west of the Jehovah's Witness Church. Vantage point #6 is from Revere Ln., this is in Clarendon Hills. As you can see, this shot is looking down on the proposed center. Through the trees, you'll see a vague outline of Home Depot. The other structures you see to the right are residential structures that do appear there in Clarendon Hills. The next view is also from Revere Lane, just east of there & there is no discernable evidence of the center from this site at all because of the topography & because of the trees. And a final vantage point that I want to show you is the property on the north side of Hwy. 2 bordering on Pine Lake. This computer model, I should tell you, is enhanced & it shows exterior decor on buildings & some landscaping. This view shows the grocery store, a convenience store, & the very north end of the Home Depot building right there. So, that's the end of the virtual tour. And I want to switch to a different topic & spend just a minute on this. Mary Jo & I knew from the start that Home Depot had done their own market research & that this turned out to be their preferred site. And that was reassuring to us & it got us started. But before we brought this proposal through the public hearings we wanted some verification that Lincoln citizens held positive opinions about Home Depot & they felt that this site was the best place to put this store. Most importantly, we wanted to determine how people living in the southeast quadrant of Lincoln felt. May I have another 60 seconds?

Mr. Shoecraft: You do have 60 seconds.

Mr. Livingston: Okay. To measure the acceptance level of having a Home Depot we employed the services of Research Associates to randomly sample residents of Lincoln within the guidelines of generally accepted scientific polling. I'm going to spare you the details in favor of time for an overview of the most salient findings. Eighty-nine percent of the sample were either in favor of having a Home Depot at this site or they indicated they did not care. Five percent of the sample indicated they were against having a Home Depot at this site because they wanted it closer to them. Five percent indicated they were against it because it was too close to them & 1 percent said there was no need. Respondents in the southeast quadrant were significantly more likely to be for Home Depot than the overall norm for the City. Likewise, respondents in the southeast quadrant were significantly less likely to be against Home Depot at this site compared to the overall city. Only 6% of respondents from the southeast quadrant were against it while 11% were against it City-wide. Now, it's interesting to note that the quadrant with the farthest from the site, the northwest quadrant, registered the highest opposition, 19%. Eighty-three percent of those opposed said the reason was it was too far away. So, I'd like to make the entire survey, you've all had it in your packets, I'd like to ask you to make it part of the public record. And, in addition, to conclude, I'd like to submit these original signed petitions that are in favor of the project. I haven't done an exact count but I know they're between 1200 & 1300 signatures here. [A copy of these petitions is on file in Change of Zone 3282.]

Lauren Beitell, 6631 Marcus Rd., Country Meadows Sub.: I'm in 6th Grade at Lux. And I don't think that you should put a commercial building right in the middle of surrounding residential areas on all sides. And with the kids my age & younger, we wouldn't like the noises & the lights & the pollution & the litter. And for a school project, we had to do a speech & I did mine on this Home Depot project on not doing it & my family & I don't like the idea of the semi-trucks coming in at day & night all the time. And I have a letter that...[presented a letter to the Council which was placed on file with Change of Zone 3282.]

Mark Hunzeker, 530 S. 13th St., Suite B, representing Livingston Investments: I made need 6 minutes but shouldn't be much more than that. Ordinarily in a presentation like this, you have a fairly substantial discussion about conditions of approval which we are either urging you not to change after the Planning Commission has made some changes or urging you to change as a result of the Planning Commission not making them. We are here today in agreement with all of the Conditions of Approval. There were only very, very minor modifications made with the consent & approval of the Staff at the Planning Commission level. A little bit of history of this project, I think is appropriate at this point. This property was proposed to be designated commercial in the 1994 Comp. Plan but was not included in the Comp. Plan at that time as a commercial site. In 1994, you will recall, & some of you will recall more vividly than others, Pine Lake Rd. had been paved for 2 yrs., development south of Pine Lake had

just begun. Seventieth Street was a two-lane road. Water lines were not to this site. Highway 2 was still two-lanes most of the way to Nebraska City. But by 1998, conditions had changed substantially. We approached or applied to include this property once again in the annual review of the 1998 update & both Planning Commission & the Council approved an amendment to include this property as commercial in the land use plan & to include this property by amending the phasing plan to include it in Phase I. Now, Phase I is an important designation in our Comp. Plan. The implementation section of our Comp. Plan places quite a bit of emphasis on phasing & I'd like to read to you from the Comp. Plan a short paragraph that describes the City policy with respect to areas which are designated Phase I. In areas with this designation, the community actively encourages growth. Infrastructure to facilitate growth in this area will generally be the highest priority in the Capital Improvements Plan (CIP). All major infrastructure required to facilitate development in this area will generally be in place or included in the first year of the CIP although some improvements may be developed in years 2 through 6 of the CIP if such phasing is concurrent with the development of the land. The community will generally approve development proposals in this area that are consistent with the land use portion of the plan if all the Capital facility needs are met & if the proposal is consistent with the zoning criteria. Your Staff Report indicates that it is both consistent with the land use plan & consistent with the zoning criteria & pursuant to an annexation agreement we have made provision for the extension of the one remaining item of infrastructure, the sewer. In addition, at the time that plan amendment was approved, the resolution included another reference which I think is important in the context of this hearing. "Be it further resolved," quoting from the resolution, "that any other references in said plan which may be affected by the above specified amendments be & they hereby are amended to conform to such specific amendments." So, the land use plan, the phasing plan are both amended & any other provision which may be affected by those specific amendments are also amended to conform. At that time, we were proposing to do an automall on this site. People came to you & said anything but an automall. We took that to heart & we have come back to you with another idea. One that we think is a very good idea. We have had interest from several retailers. Some wanted to do too much, more than 200,000 sq. ft. anchor stores, roughly double the size of what we're proposing, which created problems with adequate setbacks, with the drainage ways, wetlands & so forth. Some didn't want to do enough. Some people's idea of architectural integrity was to paint the block buildings a different color. With Home Depot, we found they were willing to go the extra mile with Mary Jo to come up with a plan that she could support & be proud of. As we talked to the planners about this project, they told us several things. One, we want you to set a standard for the entryway. We want you to do big setbacks. We want an architectural theme. We want you to protect the Beal Slough waterway. We want you to take care of infrastructure needs. And we want you to be sensitive to the neighbors. The result is this plan which far exceeds any standards the City has with respect to landscaping or setbacks. We are far below the floor area ratio average that is set out in the plan. Architectural standards for this project exceed anything of any type similar to it anywhere in the City. The renderings, by the way, are part of the conditions of approval. The grading plan utilizes natural terrain & we have reduced the runoff after development by virtually half that goes into Beal Slough. There are many benefits which have been pointed out to you with respect to the sewer. There's a lot of land which some of whom have...some of the people there have been promised sewer for several years after annexation, including the Berean Church, & we think that when completed, it is going to be very clear that this is a good project, that the fears of adverse impacts are unfounded, that the standard for a beautifully landscaped entrance to the City will have been set, & that this vicinity will continue to be an attractive & upscale part of our community. I'll try & answer any questions if you have any. I'll stop there because I know we're running late.

Mr. Shoecraft: We may have some a little later. Is that it as part of your presentation team, Mark?

Mr. Hunzeker: Yes.

Mr. Shoecraft: Okay, so Joan, you can open it up to the public, those in support or against please. What are you going to do first, Joan? Obviously, we do support first & then opposition & then they have a chance for rebuttal. So, those who are in support.

Mark Traynowicz, 8000 Alimark Ln.: And like the little 6th grader, I'm up way past my time bed time too. I appreciate what the Council does.

I guess the last time I was at a Council meeting was quite a few years ago & I appreciate you staying up late to hear what we have to say. I'm here in support of the development. I guess I'd like to let you know I really...I have no financial interest in the development. Matter of fact, I just met the developers a couple weeks ago. I'd heard about the development from some neighbors, talked to Mary Jo Livingston about it to find out more about it & she & Dave came over to the house & showed me what they were doing. What I appreciate about it is what I feel they're going out & talking to people to the neighbors to find out what they want, what they don't want, & I think really trying to make...conform to what people want. I appreciate the efforts. I really think it's going to be an attractive development &, to make a long story short, I really look forward to this progressing.

Patrick Schmid, 3024 Dickens St.: As you guys remember a few years back, this is more of a statement, Williamsburg Village when it was being developed, there was a grocery store that was trying to go in there. There was a gas station trying to go in there. Seven Oaks fought it like mad. They turned around, they did a lot of things, made it, you know, pleasing to the people. Now, everybody in Seven Oaks, I would say 99% of them go into Hy-Vee, which is the grocery store, they buy gas at the Super C &, you know, they visit all the stuff there & has...one of the big things was traffic. Seven Oaks people was really worried about traffic coming through our area. It hasn't really happened. The traffic stays on 34th St., you know, there's the other streets that come in, it really hasn't affected us. I live a block & a half from Williamsburg Village & the lighting has not been a problem. Noise has not been a problem. And if things are done in good taste, like this is, you know, I'm really for it. I like Home Depot. I've been in them. And I really hope it comes in. I drafted a letter you guys got a letter of this this last week & you can put this in. [A copy of this letter is on file with Change of Zone 3282.]

Jim Green, 10450 Yankee Hill Rd.: I live on an acreage & we have horses. We have...there's constant upkeep & repair with the horses & a Home Depot at 70th & Hwy. 2 would be a real convenience to get the supplies & materials I'd need. I would use the Home Depot quite often. The restaurant, the convenience store, a drug store in that area would be another convenience. The pictures I've seen of the proposed Home Depot I thought it looked great. I don't see how that would be any detriment to the entrance to Lincoln. Lincoln's a growing city. There's more people moving into the southeast part of Lincoln onto acreages. We're going to need more services such as the Home Depot. [Break in tape.]

Donald MaGee, 11701 Yankee Hill Rd.: I'm in very much in favor of the Home Depot. One of the reasons is for...I live on a farm. To get...we have to a lot of times travel clear over to Cornhusker or 27th St. to get a lot of things that they carry that we would have. This would save us a lot of time & really, for the type of things that we do & so forth on the south side of town, it lacks quite a bit. And I really think it would help some of the traffic problems going across town too if we had more of this stuff on the south side of Lincoln which we don't have now. You know, we don't have anything like a tractor supply or Country General or anything like that. They do carry some of their products that they have & we have a...we do have one store but sometimes we call it Paymore & there's...we think we need some competition & so forth out there in this type of retail business that would really help us & save us quite a bit of time traveling across. I've talked to quite a few farmers & so forth & they all said that they would very much be interested in something like that clear down to Syracuse because a lot of Syracuse people go clear to Beatrice now because they'd have to run clear across to Cornhusker. And so, we do need this type of thing on the south side of Lincoln.

Deputy Clerk: Anyone else in favor of this project? If not, we can entertain those who would like to come forward in opposition.

Christine Kiewra, 6400 S. 66th St.: And I'm here as a spokesperson for both my neighborhood, Country Meadows, & for the Southeast Coalition of Homeowners which includes Country Meadows, Pine Lake, Southfork Estates, Family Acres, & Lee Summit. In an effort to streamline our presentation tonight, we'd like to start the presentation with representatives from neighborhood associations. We'll start with Curt Christiansen who is an individual who'll talk specifically about traffic. Next, Chris Baker from South Fork. Then, Steve Nichol from Family Acres & Bevin Alvey from Pine Lake. After that, there'll be numerous homeowners who'd like to speak on their own behalf. But I think we should start by presenting the petitions that we've gathered from, I believe, it's 416 residents in the area. [A copy of these petitions is on file, with Change of Zone 3282, in the Office of the City Clerk.] And I think it's

interesting that our petition differs so greatly from the Livingston one. It took a lot of time for our people, me & lots of people out there, to go & collect these signatures because what we did was tell 'em do you know this project isn't about Home Depot coming to Lincoln, this is a project that's a large shopping mall. And not one person out of those 416 had ever heard about the Livingstons doing a petition in favor of this. So, I'm not sure how we got so many people in the same subarea as they did that hadn't heard of this petition. And then maybe the next thing we should do is have people stand who are opposed so you get a general number for people 'cause I don't think everyone wants to speak tonight. [Approx. 50 people stood.] And I think we need to make it clear because there are some misperceptions, we are against any B-2 zoning on this property but we're not against any change on this property. We've proposed office buildings, O-3 zoning, other compromises as well but they haven't been considered as yet. And we're here because we are so concerned. I think the Mayor mentioned to you last week that if you consider this proposal to night, there'd be a perception that you were rushing to judgement & rushing this through. As long as this meeting's taking tonight, I don't think anyone thinks you're rushing but there is no way you can make a good decision about this project without looking at the big picture of this subarea that will be discussed in just two days before the Planning Commission. I'd like to give you a couple of brief quotes from the Southeast Lincoln/Hwy. 2 Subarea Plan to give you a glimpse of the big picture that you're missing right now. This subarea includes potentially Lincoln's largest regional commercial center & is currently one of the most beautiful entryways to our city. These are things that are written in the subarea plan. This subarea's home to thousands of persons who will have to live daily with the impact of the land use & transportation network decisions made here. An additional commercial development in this subarea will impact the transportation network, existing residential character, character of the entryway into Lincoln &, potentially, the existing residences. Given these comments that indicate that...just how important & crucial this area is to Lincoln, that the Comp. Plan does designate this piece of property at 70th & Hwy. 2 as commercial. But you still have the opportunity to determine the zoning & there are lots of possibilities. There's a whole range of zoning options for this land. Of those, we feel that B-2 is about the most intense & most intrusive you could choose. There are lots of reasons you'll hear from the next speakers about why B-2 is inappropriate for this site, lots of concerns about traffic, the lack of need. I'm surprised to hear speakers say that they're worried about having enough places to shop. They can't be aware of the largest commercial retail center planned for 84th & Hwy. 2 & must not be aware that 56th & Hwy. 2 is less than a mile from this site. Another concern is the lack of transitional zoning for this property. This is spot zoning & this will create a strip mall all along Hwy. 2. What it comes down to is what I think Cecil Steward said best, despite the good visual presentation of this project, it doesn't cover...do I have one more minute?

Mr. Shoecraft: Oh, you've got...yeah.

Ms. Kiewra: It doesn't cover up the fact that this is the wrong project & the wrong place. I'd like to point out that the virtual tour they took us on didn't show us essentially the whole strip mall along 70th St. Whether it's almost out of sight, this project isn't out of sight. And whether it's almost more affiliated with Hwy. 2, the major thoroughfare, it isn't. It isn't detached from the neighborhoods that surround it. And despite the cultured stone, it isn't cultured planning to put this project here. In some ways, the developer, I agree, has gone the extra mile. But I think it has a lot less to do with quality developing & a lot more to do with dressing up something that just doesn't belong here. This is a perfect project for 84th & Hwy. 2 where big boxes are planned already. And this brings me back to the what is the rush question & why are we passing this through now. I think there are lots of options that haven't been considered. The Subarea Plan proposes closing Pine Lake Rd. on the north side of Hwy. 2 to protect a similar triangle of land as this. If you close Pine Lake Rd. on the south side of Hwy. 2 as well, that would eliminate the three busy streets argument that seems to be the main concern for having this area commercial. The lower intensity zoning such as office, assisted living, churches & child care have all been proposed to the developer & none have been considered. And I just want to remind you of a couple things because a lot of things are going to be said here but you need to be clear that you're not voting on whether you want Home Depot in Lincoln. They said before the Planning Commission that they've looked at at least 12 sites in Lincoln & are considering the need for 2 to 3 Home Depots in Lincoln. You're also not voting on just

Home Depot. And I suspect that might be what their petition's about. This is a large proposal. This is a whole shopping center. There are two anchors & several pad sites, a whole strip mall. And you're also not voting on the quality of this proposal. You're voting on the proper zoning for this piece of land. After you hear everyone, it's going to be your responsibility to our community to provide for a positive direction for growth in this area. You can't have enough information tonight to make a good decision. You need to tell this developer to wait & we need to all be a part of the subarea planning process. Good planning requires you to look at the whole picture.

Curtis Christiansen, 7812 Dougan Dr.: I'm a licensed civil engineer, however, I do not practice in traffic design, traffic engineering. I practice in sanitary engineering. But I did have course work at the University of Nebraska & I would like to talk to you about the traffic studies conducted at this area. Recently, I had the opportunity to review three traffic studies related to the development in this area. The first traffic study was conducted by Kirkham Michael for the Andermatt development which is a large mall around 84th & Hwy. 2. There was a second study done by HWS on the Andermatt Mall which I reviewed. And the third one was the study done by HWS for the Willowbrook which is the item of discussion tonight. The first thing that I looked at was the estimated size of commercial development that was included in the three studies. If you notice, the Kirkham Michael Study shows 3.34 million sq. ft. of commercial development for the Andermatt Mall & 220,000 sq. ft. for the Willowbrook Mall. All of these studies started with the City of Lincoln's Build Out Scenario II study & then they added in their commercial development. So, the HWS Andermatt Mall study used 3 point million sq. ft. for their study & then used the 220,000 sq. ft. for the Willowbrook Study from the Build Out Scenario II. The HWS Willowbrook study used 1.9 million for the Andermatt Mall & 264,000 for their mall. It's important to note that none of these studies used 3.34 for the Andermatt Mall & 264,000 for the Willowbrook Mall. So, they all are a little bit light on their estimates of impacts to the traffic in Southeast Lincoln. The one that probably come close...that comes closest is the Kirkham Michael Study because they use 3.34 million sq. ft. of commercial development & 220,000 sq. ft. of development for the Willowbrook Mall. The one that's the...I don't want to say least accurate but the one that used the lowest amount of commercial development was the Willowbrook Mall. The next thing you look at with...if you compare these studies is what type of traffic or what type of trip development is going to occur in these developments. The Kirkham Michael Andermatt Study is indicating 115,000 to 135,000 trips per day in & out of the Andermatt Mall. The Willowbrook Study includes 19,759 trips in & out of this Willowbrook Development. This is a lot of traffic. It's somewhat difficult to relate how much traffic this is so engineers have developed what they call level of service on intersections to kind of...to get a little bit more understanding of to what impacts will occur from this amount of traffic. If you look at...this came out of one of the studies, this defines what the level of service is. Obviously, Level of A is ideal. Level service D is less than desired. When you get to Level Service E, red flags start going up for engineers because when you get to Level Service of F, your traffic flow shuts down. Your intersections basically become parking lots at Level F.

Mr. Shoecraft: One minute.

Mr. Christiansen: Okay. When you look at the Level of Service in these studies at 5 key intersections, the intersections are Hwy. 2 & 56th, Hwy. 2 & Old Cheney, Hwy. 2 & 70th, 70th & Old Cheney, & 84th & Old Cheney. You see a lot of Level D's which are less than desirable. You see one Level E which is a red flag. Now all of these studies include major developments in the area. They include a south by-pass being in place. They include 6 lanes on Hwy. 2 west of Old Cheney Rd. Okay, none of these are in place so you have two concerns. You already are down to Level D & E with all this in place. And the second thing is, these may take 10 to 20 yrs. before you have these roads constructed. What's going to happen to the traffic in these intersections until you get the south by-pass constructed & Hwy. 2 increased to 6-lanes.

Mr. Shoecraft: Can you finish up in about 30 seconds?

Mr. Christiansen: Can I just read my last page?

Mr. Shoecraft: You bet.

Mr. Christiansen: Okay. [Read last page of his handout which is on file in the City Clerk's Office with Change of Zone 3282.]

Christina Baker, 6710 Southfork Cir.: I'm the President of the Southfork Homeowners Assoc. which represents approx. 25 homes. I'd like to say that I've had the opportunity to work rather extensively on the Beal Slough Master plan with Mark Hunzeker, Mark Minelli & Mary Jo

Livingston. And I think our association looks for opportunities to work cooperatively with people over time & to look for solutions to rather complicated problems. Our association clearly objects quite strongly to this project based on two concerns. The first one is traffic that I think was explained quite well just before I came. Southfork Assoc. has one entrance out of the association. So, it's two dead-ends off of 70th St. The traffic goes 45 mph along 70th St. My concern is with such heavy traffic, particularly with a lot of young kids in that neighborhood that are going to be driving now & in the future, trying to make a left-turn lane out of Southfork, across that 45 mph traffic with such high intensity given very long hours of operation of the Home Depot. I am very concerned that there could be some serious if not fatal accidents with children driving in the area, not to mention adults. So, I believe that that's a very serious flaw in the plan. Secondly, Southfork Assoc. has a private well & part of our water is drawn from the area where this development will occur. Our concern is that with such a large area asphalted that drainage from vehicles & from other materials on the property that it could impact our water for our entire Association. With respect to Mark Hunzeker, I worked in opposing the Automall that was proposed a few years ago & I don't think that Mark accurately characterized our objection which was anything but an Automall. We didn't feel that an Automall was appropriate & we don't feel that such a large commercial development on that area is appropriate either.

Bevin Alvey, 8000 Dougan Dr.: I am a resident of Pine Lake. And I'm a member of the Board of Directors for the association. And I'd like to respectfully submit to you that your decisions can only be so good as the information that you have available to you & that it's not too late to get excellent information particularly as it relates to the traffic problem & some other factors that you really should have at your hands before making a final decision on this project. The process of the approval of the subarea plan through analysis & negotiations by the City Planners, the Planning Commission, & this Council has yet to occur. The developers, the residents, all should have a stake in developing the subarea plan in which this property sits directly in the middle. I think it would be very difficult for you to make an informed decision particularly on the traffic issues until you've had a chance for that information to be fully developed. Surely, we do not want to have another traffic disaster like we have up on N. 27th St. And that is really what our primary concern is. Because of the high volume of traffic that already comes down Hwy. 2 to add 3,400,000 sq. ft. of commercial development to the already significant traffic that we have right there right now, we think it's imperative that you have all the information available before you make that decision. Having now been through several sessions in which I've seen how Ms. Livingston & Mr. Hunzeker approached some of these issues, I'd like to anticipate a couple of pieces of information that probably won't come out until Mr. Hunzeker's rebuttal. One of them is is that somehow or another this board has been convinced that residential is the only thing that can be built on this property. I just hope, for the record, that you know that the north side of Hwy. 2 from 70th to 56th St. is almost exclusively residential. So, apparently some people think Hwy. 2 is not a detriment to being able to include residential. I find it really humorous that within the last two hours Mr. Hunzeker has wholeheartedly supported the idea of residential next to a meat packing plant but has strenuously opposed residential when it's within tossing distance of Hwy. 2. You will probably hear tonight that if Home Depot does not go into this piece of property, it will not come to Lincoln. Well, I happen to ask the people at Andermatt this evening whether or not they would want to have Home Depot in their place & if you ask them, they will tell you they would love to have Home Depot in the 440 acres that is designated right now for commercial & was specifically set up in the Comp. Plan for commercial property, big boxes, all the kinds of things that Mrs. Livingston wants to put in the middle of our residential area. Naturally, Home Depot would prefer to be on Hwy. 2. Of course, they prefer to be on Hwy. 2 because they'd be the only main store right there but the real issue here is not whether or not this property can be developed for a lower use. It's simply what is the most profitable development that can occur here. You've heard a lot about neighborhood support tonight &, in fact, the truth is, if you actually were to dig into this, you'll find that the support really is from the family, friends, & people who are associated with Mrs. Livingston & probably quite a few people who've attended Lincoln East sporting events who've been asked to sign petitions. Now, when we collected our signatures for petitions, we simply went to the neighborhoods that surround this area & asked people to sign the petition. We didn't hire people to go & ask anybody in town if

they're in favor of a Home Depot on Hwy. 2. We actually went to people. Now, one other point I want to make about this so called support from Edenton South. On Thanksgiving morning, I went out, I couldn't believe it. I couldn't believe that it would be true. So, on Thanksgiving morning I personally went out & I picked a street right in the middle of Edenton South & I walked & found 19 homes where people were at home. And of those 19 homes, 18 of those people signed our petition opposing the Home Depot on Hwy. 2. Now that's a fact, that's truth, & I wish that in the future in these hearings that you might consider putting people under oath when they give their testimony. That'd probably be the best way for you to really find out what the truth is on some of these facts. Finally, I want to just implore to you that you consider & I know you will, the best interests & the welfare of the people who will be most affected by this & not simply be influence, which I'm sure you will not, by simply the improvement of the welfare of one single individual.

Dorothy Iwan, 7605 S. 75th St.: I moved to this area, an acreage, about 6½ yrs. ago & I attended my first neighborhood meeting about 2 months after we moved in. What a shock to find out that development plans for our developed neighborhood. We moved to our area because we really value the rural lifestyle of the community. We have mature trees in our area. We have neighbors that ride horses in the ditches. When I listen about people telling you that sidewalks are going to change their way of life, which I agree, can you imagine what putting a huge development like Home Depot in the middle of a residential area will do to our setting? It's just unreal. When I joined the neighborhood group, there was a lady, Marianne Curry & some of you may remember her, she was an avid person down here before the City Council. She's the one who showed me how much work we have to do to be involved in the City planning. Which we did. We worked & while I wasn't a member of the group that drafted the appendix that required a subarea plan for development, I did go to many meetings & have been down here a lot. You're our only hope. We're just people out here, citizens, & we're asking for your help. We can't stand up against the money, the power. I can't...I mean Mary Jo is really persistent. I have to admire her for that & she's a smart lady but, you know, we're people out there. We've chosen a lifestyle. Lincoln needs to respond to everybody's diverse lifestyles. I listened to a group that wanted a development. This area has opposed development because we're trying to preserve a rural characteristic lifestyle.

Mr. Shoecraft: Did you have a (inaudible) or order of people that was representing Neighborhood Associations? Is this opened up now?

Ms. Kiewra: Yes. We're past representatives now.

Mr. Shoecraft: Okay, 'cause I think after you ma'am, Council requests a 5 minute break.

Victoria Northrup, 7420 S. 70th St.: Okay. And I was glad to hear the traffic studies that were brought before the Council tonight. I don't have anything but just my gut feeling about how the traffic works in that area but it's not safe at 70th & Hwy. 2 right now. On a weekly basis, I see semi-trucks running red lights on Hwy. 2. I will be trying to come to a stop at Hwy. 2 read to turn right onto 70th to go home & have to pull off onto the shoulder so that I'm not rear-ended by semi-trucks. I think we were told 18 per minute go through there earlier tonight. And if you could imagine all of the traffic that's going to have to be turning right onto 70th or left, if they're coming from Syracuse onto Pine Lake or onto 70th St. And the fact that there is not a south by-pass, there are not the 6 lanes of traffic that have been recommended for that area. I can guarantee you, you have death on your hands. I mean people are going to be killed there regularly. Semi's are going to be plowing into rows of traffic, you know, cars that are backed up. It is not set up to handle the kind of volume that's being proposed here. And I do understand that there's a very good likelihood that this will be a commercial area but I think a much lower density use would be much wiser or else to just delay using it at all until the traffic patterns are set up that will handle the kind of traffic that's going to be there. I just think that it's a safety issue. It's nothing more than that & I just don't know how anyone, in good conscience, could vote to okay this proposal. It's a beautiful one. I don't deny that. But the location is not right. It's very much wrong. And I hope that you will all vote against it.

**** 10:55 p.m. - Council took a break.**

11:04 p.m. - Council Reconvened. **

Royce Mueller, 6730 Ann's Ct.: I appreciate everybody being here so late. I know this is going to be a tough job 'cause there's a lot of people against this but I'd like to just talk about a few factors which have been brought up during the discussion. I've seen the photographs. I've seen the sketching. And a couple things I think need to be cleared

up. Yes, there will be a 40' fall from Hwy. 2 down to this project. And it seems to hide real nicely on some of the photographs. There is no photograph, actually, from my property. And my property, the back of my property, faces...comes off of Ann's Court & it faces the east. Where my viewpoint from my house, I have a full range of that entire property. There is no 40' drop-off. In fact, I will see the entire parking lot & I will see all the lights & I will see the whole building. Immediately behind my property is an old farm house which is going to be tore down. There's plans for a church to be built up the hill a little bit & a parking lot where the current house is & so that will allow me the full opportunity to see this development. He took us on a home virtual tour & I'd like to be able to use that same picture that they had because they actually took a photograph with the corner of my house. Funny thing is, that photograph only includes a corner of Home Depot. Had they walked a little further or walked around the back of the house where my deck is, they would have had a much more clear picture of what it actually looks like. You can call it doctoring the photographs or selectively taking pictures of what you want but the truth is it's not a true representation of what we are actually going to see from our neighborhood. Then I have to applaud the last speaker. He was very elegant in what he said, especially about the survey. I, too, was surveyed & was given a little card to sign saying are you in favor of Home Depot coming to Lincoln. You know, I also had a petition to put in front of me saying would you sign this, asking Home Depot not to come. The petition was from our Neighborhood Assoc. & it was delivered to me in our neighborhood. The card I was asked to sign in favor of bringing "Home Depot to Lincoln" was handed to me when I was at a volleyball game on Vine St. As far as a scientific study, I would've guessed that the validity of their signatures & their cards & their canvassing really will not hold up. I also have friends in Edenton South. And when I asked them about their opinion, I had very few people say anything positive about bringing commercial development to this area. In fact, one of them made the assumption that the reason a letter was written from Edenton South was because of an agreement. And the agreement was not to develop the property next to Edenton South that the Livingstons own. And in doing this, that's why they would be in support of this project. What really scares me I have three girls. One is going to be learning to drive this year & two others are 8 & 11. We are in a neighborhood that has no lights, it has not sidewalks. So, what happens when your weekend warrior gets his bag of nails & his hammer & comes tooling out of Home Depot? He drives onto 70th St. You look to the right & there's a line of cars trying to get on Hwy. 2. You look to the left & Pine Lake is crowded. You've got 70th St. down there. So, what's he going to do? He's going to cut right down through Almira, right through our neighborhood with no sidewalks, with no lights, & this store, you're talking about being open from 7 in the morning to 11 at night. I mean this is where people walk in neighborhood. They walk their dogs down the street, people walk from home to home down this street. It's a curvy road right through Country Meadows. There is no straight shot. You're asking for trouble. You're asking for people to be hurt. I seen the proposals for the lights & how the lights are going to shine down. I can guarantee you & I invite every one of the Council members, come visit me at my home. I'm at 6730 Ann's Ct. From my deck, you can see what I am going to see & you can't promise me that no matter what kind of light you put out, if you've got lights illuminating a hundred thousand square foot piece of concrete that I'm not going to see that all night long & it's going to occupy a big portion of my view.

Mike White, 8317 Horseshoe Dr.: And I would like to make a couple of quick & succinct points which is usually hard for me. I'd like to suggest to the Livingstons that the gateway standard for the City has already been established & you can see it if you look west from 70th & Hwy. 2. I'd like to suggest that their research on the trucks on Hwy. 2 is valid. Their research on the fact that those trucks are now going to be on Pine Lake, which is two lane, & 70th, which is short, is the real issue. I'd like to suggest that their worst case scenario doesn't address what's going to happen to the west side of 70th between Hwy. 2 & Pine Lake once this development goes in if it goes in as planned or what's going to...what the south side of Pine Lake, between 70th & Hwy. 2, is going to look like if this development goes in as planned. I don't want the Livingstons to, by any stretch of the imagination, believe that we don't think that this property will get developed because it will along with our ideological whatever...we have to be real about this. And I do feel real warm & fuzzy about Home Depot. That's not an issue either. Where they put it is. And last, from a purely selfish point of view, as a Pine Lake resident, I don't necessarily want this project [break in tape].

Craig Loeck, 8309 Water Tower Ct.: I sent all of you a note in the mail to let you know how I feel about this & I was glad that the Livingston contingency is real excited & happy to be here. I think the reason so many people from Pine Lake are here is 'cause they have the same not in their stomach that I do. What we don't want to live in is an area that looks like Los Angeles or that even looks like 27th & Cornhusker to Superior. To me it would be a travesty on that part of Lincoln & Lancaster County to pave the whole thing &, let's face it, the Home Depot is just the first domino to fall. It'll all be paved. It'll all be stores. It'll all be commercial. There are alternatives that could be more attractive out there: Day care center, library, attractive office buildings. There's a lot of ways it could go. I'll tell you one quick story & then I'll go sit down before I fall asleep. My daughter, my middle child, Laura Jean's 12 yrs. old now. When she was 3 maybe 4, she was in the car with me going north on 48th St. the day the bulldozers were pushing down those beautiful hundred year old oak trees that were in Cool Crest Mini Golf Course, if any of you were in Lincoln & remember it, my little 3 or 4 yr. old girl, she puts her nose to the window & says Daddy, why are they doing that, why can't you stop 'em, why would they do that? And so I try & explain to her that the need for commerce, the need for more stores, the need for more shopping, makes it a necessity to tear down a beautiful spot like that in Lincoln. If we get carried away destroying the beauty around our town, why not put condo's all over Holmes Park? Why not just put commercial anywhere where there's green space? It frightens me & that's why all of us came tonight. We just want you to move slowly on what you approve to do out there because, of course, it's inevitable there'll be change.

Marilyn Beyer, 7300 Revere Ln.: And I was a little shocked by a picture that was taken from our yard on Revere Ln. also showing that you couldn't see anything. If, again, if they would've gone around the back of our house & gone on the deck, we're going to have a full view. We watch the 4th of July, we watch Pine Lake, the fireworks. We watch Holmes Lake. We're able to see a large area. My request to you...we are totally against this project & I just ask you to please preserve our quality of life as a residential area.

Harold Moser, CEO & Legal Counsel of Moser Investments, no address given: My wife & I reside on the northwest corner of 70th St. & Hwy. 2, right across from this project. Let me clear the air with a couple of things real quick. I am not against Home Depot. For the record, I own stock in Home Depot. I do not have any ill feelings towards Mr. & Mrs. Livingston. I even like Mark Hunzeker & boy, that's a chore! Seriously, you've got a letter Edenton South, pretty glowing terms, boy, this is the greatest thing since sliced bread. Let me give you an example of the hole in that letter. Three years ago, my wife & I were involved in an automobile accident. My wife got a total hip replacement. I got a rod running down my leg & a pin through my knee & I just came from therapy at 4 o'clock this afternoon. So, I tire pretty easily. And I can walk but I can't walk very far without getting winded. Saturday afternoon, I decided, you know, maybe someone's going to present some kind of a letter or some kind of a petition, everybody at Edenton South thinks this is a great idea. So, I jumped in the car & I drove up there. When you go through this list, that Mrs. Kucera gave you, look at the people who signed who live on Stevens Creek/Stevens Ridge. 'Cause you're looking at the guy that got those signatures. I started at the very first one on 70th St., walked two blocks, got every house. Some of them weren't home, some were. Got their signatures, walked across the street & came back. I then went north as far as Old Cheney Rd. doing the same thing. I then went south for another three-quarters of a mile. Eighty-one signatures & I got every one of them. There wasn't a soul that turned me down except two people. This is no things that everybody in Edenton South thinks is a great deal. And why is it? It probably is best graphically illustrated by what you had before you here earlier this evening. You had the Comp. Plan, you had a food processor begging you don't change it, you're going to hurt me, I want to expand my business, I've already got a sizable investment, don't change it on me. And now on the other hand, you got these people here saying oh, ho, (inaudible) our residential area, you're hurting us. So are you on the horn to dilemma? You're not. You're on the same side of the same coin & that same coin is the Comp. Plan. When you get into trouble is when you change it. All you have to do is enforce it. I know the Comp. Plan isn't cut in stone neither is the Constitution of the United States. But we can amend it if there's good reason. And if you can just demonstrate good reason to amend that Comp. Plan by all means amend it. But don't let people spend their life's fortunes building their homes & their dreams & then just cut it off & break it off of them

& plop down a business right in the middle of it any more than you should take that meat processor & double cross him. You've got a plan. All anyone is asking you to do is live with it & enforce it. And if someone can demonstrate to you the need to change it, then change it. But don't change them on whim. Was this an excellent presentation by the Livingstons? Of course it was. Would anyone like to have Home Depot with the type of a project that they've envisioned? Of course they would. They just don't want it in their own backyard where they have spent their fortunes building some beautiful homes. This area you're talking about has got some of the finest homes that've been built in Lincoln in the last 15 yrs. (Inaudible) at my home, we've lived there 40 years. We're sitting there on 6 acres. God willing, we'll stay there forever. I have no desire to change mine to a commercial enterprise. We have riding horses, did have. If I get my leg back, I'll have my riding horses again. But live with your Comp. Plan, don't change it.

Coleen Mueller, 6730 Ann's Ct.: I'm a full-time homemaker & a mother of three. We've spent the last oh, we've spent at least a year or more searching for the perfect lot to build our dream home & live there forever. We looked for a great long time because my husband wanted space, he wanted an acreage & I wanted to be in the City because with three young girls I knew I was going to be driving a lot. We thought we found that perfect place in Country Meadows. It had the country setting, it had the beautiful view. But we were in the City & the kids could have neighbors & friends & have a great time. We were so excited & we bought this lot. We've planned our home & just completed it a week ago. We've been in the process of moving. In fact, I should be unpacking boxes tonight but I chose to be here. We loved this lot because it was large & it had a beautiful view. We were told that the use (inaudible) of 70th at that time was agricultural & that it may be changing but probably would just be an office building or something like that which we weren't concerned about. So, we designed our home with most of the view looking out toward the back toward the corner of 70th & Pine Lake Rd. which was just outstandingly beautiful. And we've loved every minute of it that we've had so far. We were extremely disappointed when we found out that Home Depot might be developed in that area. In fact, most of the neighborhood is very disappointed & my next door neighbor put their house on the market this fall & sold it & my daughters are devastated about that. They were looking so forward to this fun family that was going to be next door so now we don't know exactly what's going to be happening in the neighborhood because of all of this. Country Meadows was very attractive to us because it had these large lots, it had the country atmosphere, no sidewalks, no street lights. But that attraction may become our greatest fear. If Home Depot is built at 70th & Hwy. 2, traffic will increase & may pass through on 66th & Almira which runs right through our neighborhood. Children ride their bikes along that street. They stand on the corner waiting for the school bus. They go...families go for walks with their dogs & their young children in strollers. (Inaudible) as my husband spoke, it's very fearful that if someone decides to pass through not really knowing where they're going, the streets are dark at night, they may not see someone. Most of the children attend school at Maxie, Lux & East High School so many of the families in there drive along 70th St. Most of us enter it from Pine Lake Rd., turn left onto 70th & cross Hwy. 2. That's going to be right in that area where the traffic will be increasing, the trucks will be increasing trying to turn. I know last year there was a time when the roads were icy & I was waiting at the corner of 70th & Hwy. 2 to cross. I had a green light & a semi-truck slid right through the intersection. Now, if he's trying to turn, I fear that it's going to be much worse than that. I fear that the peaceful & beautiful atmosphere of Country Meadows will be gone if home depot is built in this location. So, I ask you tonight to give this careful consideration, to think of the people that have built their homes & their dreams & hoping to plan their future in this nice country area & think of putting Home Depot maybe in a better location where it is more proper for a large facility like that.

Michael Eppel, 6811 S. 66th St.: I just wanted to make a few very brief points that perhaps need reiteration. As far as the history of this development is concerned, or proposed development, Mr. Hunzeker likes to talk about the history. I remember the history of this very well too because I've been involved with neighborhood issues since 1994. I would remind you that this proposal for commercial development was turned down many times by previous City Council's & by the Planning Dept. In fact, we're a little nonplussed at why the Planning Dept. has come out in favor of this over the last year or so when for many years it was vigorously opposed to commercial development at this site. As has already been mentioned, the Planning Commission is going to consider the subarea plan

in two days & it is beyond me why we are even here tonight, in a sense considering this, when we don't have, literally, the subarea plan in front of us. I got it on Friday, I believe, it came to my house. So, we haven't hardly had a chance to look at it, never mind digesting it. And I know that that is something that you also will have to be considering. Granted the area is now designated as commercial, we accept that, we lost that fight. But does it really need to be a Home Depot & fast food restaurants & alcohol outlets & so forth? To go from agricultural to commercial & then to B-2 rather than an office zoning, I mean I think that's asking a lot of the neighborhood to put up with. Briefly mentioning the traffic study, you've heard lots about that. We heard that Hwy. 2 will have to be 6 lane. The applicant has not been asked to pay for that. We're going to be asked to pay for that. The taxpayer is going to have to pay for that. It's ironic that the taxpayer should be asked to pay for the upgrade for this site on Hwy. 2, the same people who are against the whole project, are going to have to pay for the road. That needs to be addressed. We hear a lot about Lincoln being special as far as even yesterday, in Sunday's paper, Lincoln especially because of the planning & because of the decisions that are being made & maybe that's true but let's look at N. 27th. I mean is that really special? Is that something that Lincoln can be proud of, the planning process that allowed that to happen? It wasn't an accident. I mean it happened, it came through the Planning process, it came through the City Council. And that's what we're going to end up with I'm afraid on Hwy. 2 if this goes through because one spot zone will follow another & before you know it we'll have a Cornhusker Hwy. on Hwy. 2. I think Cecil Steward said it best, you've already heard how he said this was the wrong development in the wrong place. But he also said something else. And I quote, he said, "The Commission", namely the Planning Commission, "made an error of judgment when it, this site, was proposed to be commercial in the first place. It was an error of judgment. It shouldn't have been done & the effects now should be mitigated for the neighbors." I do want to thank Cindy Johnson for her support in the past for this not to be a big box type commercial development. I like a copy of the letter that I'd gotten from her in the past to be made a part of the record with that in mind. [A copy of this letter is on file w/the Change of Zone 3282 in the Office of the City Clerk.] I don't have any more comments. I'd be happy to answer any questions.

Beverly Moser, no address given: As you know we live on the northwest corner of 70th & Hwy. 2. And I'll try not to duplicate things that have been said but I do want to add that the traffic is a very serious problem on that corner now & many times a day when I'm outdoors I hear semi's lay on the horn & go right through the red light. I can see that, you know, from my kitchen window & when I'm outdoors. And so if we're going to increase the traffic we're really increasing the hazards. And I think you all know a young nurse was killed at that intersection one afternoon last summer so it's already fraught with problems. The other thing I'd like to ask about is at no time have I ever heard that there was a pressing need for the various kinds of businesses & services that are being proposed in the Livingston project. Those of us who chose to live in this area are very capable of & willing to drive a few miles down Hwy. 2 where all these goods & services are already in place. And so, there's never been a demonstrated need that any of us can see. When we moved to & built expensive homes in this area it was because we wanted a certain lifestyle & we investigated & relied on the Comp. Plan which now, I think, was a rather naive notion but, at the time, we trusted the integrity of the City Council & the Planning Commission to follow the Comp. Plan. I want to skip over a number of things here. My husband alluded to the fact that we have had on a number of occasions substantial financial offers for our land which is 6 acres on the opposite corner. And we would not even consider doing this because of the regard we have for other people, for our neighbors & for the way of life that we have all selected. And I cannot understand why the greed of one single person should be allowed to destroy the lifestyle of so many in our area. At the several meetings that we have attended regarding this project, I especially recall one during the summer of 2000 held at the Berean Church & there were approx. 80 to 100 people in attendance. I asked is there any person in the room who supports this project & not one person did. So, I am very concerned about this & about this landscaping project which sounds great except that having planted nearly 200 trees on our own land & nurtured them along, I have some idea about how long it takes to get anything to really look like something & to make a nice showing. In recent years, we've been bringing in 15 & 20 ft. trees to make things look more attractive & that is very expensive & I doubt that they would undertake anything of that magnitude.

So, I do implore you to delay, consider carefully & wait until the total revision of the Comp. Plan is completed before taking action. I see no need & no urgency for this project.

Bob Olson, 8001 Dougan Dr.: Thank you for all being here. All of us have great stamina. I'm Bob Olson with the Pine Lake Assoc. I represent about 131 households & approx. 300 residents & ditto everything that's just been said of course & that'll shorten my notes considerably. Mr. Camp, back in March, you made Mary Jo & the crew promise that they would co-design this project with us, the neighbors, & all the neighborhoods around there so that we got something compatible. I can tell you & you can tell from what's going on tonight that that wasn't done 'cause we're not in favor of it. She did come & have a meeting with us but it was a show you what we're doing & virtually all the suggestions we had fell on deaf ears. We had approx. 70 people there & I think maybe 2 people were for it & other than that they were against it. We had suggested an office park or, of course, we wanted residential to start with & she rejected all of that. So, that wasn't any possibility, I suppose, with a few million bucks less than she could've made. I want to point out one thing. In all these renderings around here, nowhere does it show the other 7 pad sites that are on this property which are up around 70th St. & along Hwy. 2. These'll be the other businesses which are stated in #21 of our Agenda tonight which would include things like office buildings, retail, banks, financial companies, restaurants, dry cleaners, on/off sale alcoholic beverages, which that one right there hits a nerve with a number of people in the area, & a waiver for the sign. Anyway, you notice none of those buildings are showing up in any of this. There's an awful lot of greenery showing. This is from 70th St., you can see the curve right down here in the bottom of this. Highway 2 is running right over here & up past the trees over there. This is the site that she's talking about & the gentleman & the lady that were up talking about looking off their back porch to the east would be there about maybe 300' to my right, to the right of the picture, & that virtually is their view. They have a very good view. I just spent 3 hours in their home a week ago taking interior shots, photographs, of their lovely home & noticed off the back, I mean 'cause I'm interested in this project & this problem, thought my God, you guys are going to be looking right smack at Home Depot our here & here they have this gorgeous home & that is going to be their view. You notice there is no shrubbery or trees in here. This is what Mrs. Moser was talking about. Unless they plant some big one's that are well established, nobody's going to sit under the shade of those trees for 20 years. The other photographs I have here show Country Meadows area & this house right here at the bottom is just off of 70th & I believe it's Almira Lane, I think. And if you were to turn from this house right here to the left of the photograph, you'd be looking right at Home Depot. So, there's very nice, established, beautiful homes with large yards & they're set a part. If you haven't ever driven out in that area of town it is a gorgeous area. I don't live there, I live over at Pine Lake. We're a little more crowded but that's what their neighborhood's like. I'm up here in Pine Lake. I'm fairly remote from it actually as far as that goes. But the plot we're talking about is right here. And, at one point last March, we were trying to get the Comp. Plan changed. It was mentioned that nobody would want to live in residences on this property because it was surrounded by 4 lane roads eventually on all three sides. I want to point out those pictures I just showed you were...right here was the house with the big trees & this is the area of Country Meadows. This is Southfork if you've been in those gorgeous homes over there. And they do back up right to Hwy. 2, there right there by 4 lanes. There are thousands of people in this City that live near 4 lane roads or on 4 lane roads or back up to them or something like that. So, that's totally bogus point.

Mr. Shoecraft: You have one minute.

Mr. Olson: Okay. To mention the gentleman talking about light from the Home Depot, these guys talk about light as if it was going to stop at the property line. Light comes off of objects just like you see me & I see you & if you can't see Home Depot like it disappears, then it's...you're not going to see it but there's going to be light scatter. If you've ever flown in a plane, look down on a city, parking lot is a major piece of light coming up. That scatter is what hits moisture in the air & causes sky glow which causes the night City lights that you can see Lincoln from 50 miles out or Omaha or anything else like that. Our neighborhood, if you were to come down 70th St. from the north, hit Hwy. 2, it just...my brother even pointed this out to me that you're going along in street lights, you hit Hwy. 2 at 70th & boom that area, this piece of property is jet black. There's nothing out there. And the rest

of the neighborhood except for car lights & things, it's a very dark countryside & that's what people enjoy out there, that's what they want. You have this thing out there, it's going to be illuminating the rest of the night sky. The water feature's a joke by the way. If you know the one on N. 27th, in front of Wal-Mart, I bet nobody even knows it's there. I just want to encourage you to look out for us, the majority rules, the majority, as you can see, is on this side over here.

Dan Loeck, 7201 Badger Dr.: I just built my dream house 6 months ago there. I'd purchased my ground 6 yrs. ago. I'm a homebuilder & I have been for 17 yrs. in Lincoln. I know Mark. I know a lot of people involved with this. Kim Todd taught me landscape architecture. I have a degree in architecture from UNL. I would probably go to Home Depot & buy things there but this is wrong. It's in the wrong location. If you stand in the middle of this property & you turn 360 in any direction, all you will see are churches & houses. That's it. Why do we need a Home Depot & other services right in the middle of that area? I'll drive across town to the lumber yard if I need to to get something but I don't want to walk to Home Depot. I moved to an acreage so that I don't have to walk to the corner store to get something. I want it to be away from services, drive to the services. I won't walk to the grocery store there, I'll drive there. So, I'm opposed to this.

Terry Beyer, 7300 Revere Ln.: I just wanted to add just a little bit to this. At our last meeting, the representative from Home Depot made a comment that he had 11 or 12 places picked out but coming in Hwy. 2 looked pretty good. So, I was just kind of hoping that maybe...plus he made a comment about if the public don't want me, then maybe we won't go there. So, I think the public really doesn't want him there but if he goes & builds some place else I might drive over to Home Depot.

Ray Atwood, 8001 North Shore Dr.: A Pine Lake resident for 20 years. Just one comment, it's odd to me that if this is such a good project that there would be such extraordinary efforts made to hide it.

Ken Kiewra, 6400 S. 66th St.: I'm by trade a researcher & I stand here tonight because I have studied the data on this project for a long time. I've read hundreds of documents. I've attended many meetings & talked to many people. And frankly, I don't get it. I just don't understand how this project can be supported to the degree it is to this point. Things just don't add up. It doesn't add up that we could be considering a major shopping center literally 30' from a homeowners property. There is a home on this triangle of land. I don't know how we could be thinking about putting a major shopping center smack dab in the middle of neighborhoods. It doesn't add up that we've been ignoring lengthy reports & repeated warnings by professional city planners who've denounced commercial development at this spot. Why? Well, you've heard the reasons. Let me repeat them quickly. It's unnecessary given that we have bookend centers at 56th & 84th. It mars the beautiful city entryway. It obstructs the Capitol View Corridor. It encourages strip development along Hwy. 2. It increases traffic to stifling proportions & diminishes neighbors property values & quality of life. I don't get it. Couple other quick points I want to make based on what I've heard here tonight. I guess I'm still sort of stuck on the idea that this site has to be commercial. For goodness sakes, there's a house on it & it's bordered by the very same three roads as Country Meadows: Pine Lake, Hwy. 2 & 70th St. I guess there's some perception that we're a bunch of cry babies cause we don't want anything there. Well, I think hold on a second. What we don't want there is an automart. We don't want a Wal-Mart. And we don't want a Willowmart. These are all high density, regional centers that don't belong in neighborhoods. You've heard people say churches, assisted living, office complexes. We're open to development of that nature. And to echo what was just said, I, too, wonder why all the concessions. Why concessions on lights & noise? Why hide this thing? Because it doesn't belong in neighborhoods. We've heard time & time again that Mary Jo is willing to go the extra mile. Then let's let her. Eighty-fourth Street's just a mile away. By the way, in the time I spoke to you, I could've easily made my way to Super Saver for a loaf of bread or down to Payless Cashways for a bag of manure. I just don't need Home Depot in the middle of my neighborhood.

Jack Heen(?), 7707 Northshore Dr.: I'm a 20 yr. resident of the Pine Lake area. I practice law for a living. I don't know much about the laws that are applicable here because this isn't my field. But I do something about dealing with dispute & dispute resolution & the reconciliation of competing interests. And what I submit to you is that you have four identifiable interests here that you're trying to balance & weigh. One is the interest of the community, the people that you've been hearing from for the last hour & a half or two hours, two years too, & 20

more. They've spoken eloquently. I'm not going to add to that. There are very real interests, very real priorities. And I suggest that they are the first priority because those are the folks that already live there. This is their home. This is where we live. Second, you've got the needs of the community as a whole. Do we need another box store? Do we need a Home Depot? Do we need it at this location? The answers to that, I think, are obviously no. Everybody's talked about down the road to 84th where there's already a zoned development ready to go. There's no need for this project to go in this location. It's simply misplaced. Third are the interests of the landowner, the Livingstons. And I have sympathy for them. They want to make the most money they can out of this piece of ground. That's a normal economic interest. We all have that same interest. But that interest has to be balanced against the interests of the community & the existing landowners. And where is it & how is it that you can say, in all honesty, that their interests are greater than the interests of all of the rest of us who are already there. Last but not least are the interests of the proposed user, the Home Depots. It's already been commented that they have a dozen other sites under consideration so where is the overriding need to approve this project in this location, at this time? I don't see it. And in my next comment, I don't mean to say anything negative about the Livingstons effort. They've done a good job of trying to present a project to you. But in the final analysis, no matter how much lipstick you put on a pig, it's still a pig. And it's the wrong place, the wrong time. I've heard it said that this Council is oriented to community values. And I suggest to you that there'll never be a better time than this to demonstrate your commitment to preserving community interests.

Jason Troy, 7340 S. 75th St.: I'd like to make a point. I was amazed earlier tonight when I heard about how you were interested in safety for the sidewalk issues & things of that matter. What about the safety of the people that are driving in this neighborhood? You've got an area that's going to be commercial. It's surrounded by four lane roads. There's already been many examples here of accidents that have been tragic. We've did a little bit of research earlier & I believe you've already received that letters that we've sent you with complete with the accident reports. We did...the research includes from Jan. 1, 2000 to Sept. 30, 2000. There've been 8 accidents in the area surrounded by Hwy. 2, Pine Lake Rd. & 70th Street. Four of the 8 were injury accidents & one of the 8 was fatal. During our research which covered thousands of accidents in the City during those 9 months, there were 8 other fatal accidents in the City. There's already several fatalities at this particular area. If you're going to increase the traffic flow by that amount, that's just going to increase the amount of deaths. I guess I would urge you to ask yourselves, would you send your kids to that Home Depot for supplies? Could you live with yourself if they didn't come back?

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: Representing Andermatt, LLC, who is the primary landowner of the big red commercial area designated in the Comp. Plan in 1994 at 84th & Hwy. 2. We speak tonight in a neutral position which there's no place on the agenda for that. We testified at the Planning Commission in the same neutral capacity & stated that we were under the assumption that the famous Exhibit E of the 1994 Comp. Plan at that time which designated us also put a statement in there that there was to be no zoning, particularly commercial zoning in a one & one-half mile area. We assumed that meant everybody in the same one & one-half mile area would not get that commercial zoning until we did a subarea plan & did all sorts of studies, traffic studies, infrastructure studies, & environmental studies. At the Planning Commission hearing, we were told that our assumption was wrong by the City Administration. And that was very perplexing to us & I know the neighborhood because we all thought that that's what the rules of the game were suppose to be. I stand in front of you tonight to test another assumption to see if we were wrong. And that we have been assuming. We have publicly stated over & we state our assumption here in the record tonight, we've been told like we just don't want to repeat that Exhibit E mistake again & our assumption that I'd like to go over tonight to see if we're wrong on is that our 84th & Hwy. 2 site will be similarly treated as the 70th & Hwy. 2 site that's in front of you tonight in regards to the annexation agreement discussing particularly the required off-site road improvements. The City's Long Range Transportation Plan which you just recently adopted about a month ago is based upon a lot of factors. And, particularly, the Boss 2 Traffic Study & that model doesn't match up perfectly with your Long Range Transportation Plan. That City model suggests that there's other improvements that are needed that were not

incorporated in your transportation plan last [break in tape]. What do I mean by this? Well, the City's Boss 2 & some other traffic studies that we've recently submitted suggest that the Hwy. 2 between Edgewood & S. 70th St. exceeds the City design standards for 4 lanes which maybe suggests to some people that there needs to be 6 lanes. But the City's Long Range Transportation Plan which you adopted a month ago nor the one the 70th & Hwy. 2 annexation agreement in front of you tonight discusses the potential 6 lanes. Another issue is the City's Boss 2 traffic model & other recent traffic studies suggest that costly street improvements are going to be needed at the three Edgewood Shopping Center intersections. Highway 2 at 56th St., Hwy. 2 at Old Cheney Rd., & then Old Cheney Rd. & 56th St. intersection. But, again, the City's Long Range Transportation Plan & the 70th & Hwy. 2 Annexation Agrmt. are silent about those intersections. The City's Boss 2 & other related transportation studies recently submitted also show some intersection improvements away from Hwy. 2, away from 70th & Hwy. 2 & away from 84th & Hwy. 2. But, again the transportation plan do not show those things & nor does annexation. We are in a position where another issue is that there's 47,000 sq. ft. more shown on the 70th & Hwy. 2 site tonight than was modeled. And we just hope that those extra square feet will not cause our center to have a loss of any key intersection we need to get in & out of our site because I think that would hurt the ability to have a quality center at 84th & Hwy. 2. Finally, the 70th & Hwy. 2 Annexation Agrmt. requires transportation improvements abutting the site & no other what I call off off-street improvements that are away from this site. We assume in our assumptions tonight that we, too, will be able to rely & do transportation improvements abutting out site & will not be responsible for off off-road improvement sites. I spoke with Roger Severin late this afternoon & he expressed that our assumptions appear fair & accurate to him from his perspective but, again, he's here tonight & I don't want to speak on his behalf & I might not have heard him correctly. The bottom line is we are publicly stating our assumptions for the Council's record so that if we're wrong on our assumptions, we will be told, hopefully tonight, or soon thereafter, & not be told when we're in front of you in the next couple months about our transportation improvements.

Mr. Camp: Just a clarification, did you say Roger Figard or Roger Severin?

Mr. Seacrest: I think I said Roger Figard.

Ms. Seng: No.

Mr. Seacrest: Did I say Roger Severin? Excuse me, I meant Roger Figard.

Mark Hunzeker, 530 S. 13th St., Suite B: We have three or four items on this agenda & I did not take more than about 6 minutes on my presentation. I'd like a little bit more than 5 minutes for rebuttal. There's been an awful lot of testimony since I was up here last.

Mr. Shoecraft: I know, with all due respect, that we get...we allow the (inaudible) time on the front end & we stick pretty much to the five minute rebuttal. Changing the rules, if you guys want to? It's your choice.

Ms. Seng: Let him do what he needs to do.

Mr. Shoecraft: How much time do you need? Three more minutes?

Mr. Hunzeker: That's plenty.

Mr. Shoecraft: Eight minutes, Joan.

Mr. Hunzeker: Um, first of all, timing issues. This matter has been kicking around now for quite a long time. We are timely because we are in your Comp. Plan as Phase I. Anything else that's within the area of the subarea plan that's on the Planning Commission agenda that is up for consideration on Wednesday is either Phase II or Phase III in the Comp. Plan. We're Phase I. We are entitled to move forward & we are not subject to the so called Exhibit E because of all the things that we mentioned earlier. With respect to traffic, Tom Gorman from HWS is here & would answer questions with respect to traffic but I want to add two or three things. First of all, the 6 lane bogeyman of Hwy. 2 is based upon the build-out scenario that assumes everything in the Comp. Plan is built & that it's year 2025. Now, if anybody at this table can sit here & honestly say that in 25 yrs., you believe that Hwy. 2 will just be right the way it is today, then I don't know what else I can tell you. But all you have to do to think about the reality of that is think back 10 yrs. Ten years ago, there was no Williamsburg Village, there was no Pine Lake Rd., no South Pointe Pavilions, two-lane Hwy. 2, County Standard blacktop 84th, 70th, 56th, Old Cheney & Pioneers. Now, twenty-five years from now is it realistic to think that based on a total build-out of the Comp. Plan, it might be a little crowded on Hwy. 2? Of course it is. Mike Gorman will tell you it doesn't matter what happens, if nothing happens,

on this site, there will be a need for more than 4 lanes on Hwy. 2. Secondly, talk about traffic running through Country Meadows via Almira Ln. There is a median which blocks left-turns from 70th St. to Almira Lane. You can't get there from this site. You come out of this site & you either go south or you go north all the way to Hwy. 2. You can't turn on Almira Ln. Traffic thru South Fork & traffic in & out of South Fork. It was mentioned that there's only one way in & out. Well, I was at the Planning Commission meeting when the property to the north was proposed to be platted & the South Fork Homeowners Assoc. was there saying don't open a street to the north even though there's an existing dedicated stub street that goes to the north boundary of South Fork, don't open a street to the north that would get us all the way up to Old Cheney without going on to 70th St. because we don't want any other access other than the one we have on 70th St. And there's a prelim. plat that's being submitted, as we speak, that will eliminate that connection. Drainage, as respect South Fork, there isn't any. This property drains away from South Fork. It drains to Beal Slough. Office. The suggestion was made that we ought to talk about office. Well, let's talk for just a minute about office. If we do office on this site & if we do the average commercial floor area ratio that is called for in the Comp. Plan of .25, that equates to roughly 400,000 sq. ft. of office space. That means about the same amount of traffic, higher traffic at the morning peak hour & much higher if it's medical office space. It means taller buildings, more space covered with concrete, more parking spaces & every bit as much traffic. And I guarantee you if we came in with a plan like that, there'd be just as many people here screaming at us as there are tonight. With respect to 84th & Hwy. 2, it seems to me a bit disingenuous of Mr. Seacrest to come down here & suggest that there's something wrong with our traffic study because the Boss 2 scenario did not include 47,000 sq. ft. that's in this plan. That was the purpose of our traffic study was to determine exactly what our impact was going to be & we included that in our traffic study. But what hasn't been said here tonight that needs to be clearly understood by everybody, the differences that the sewage engineer talked about in his analysis of the traffic study about 3 million versus 1.9, the difference is we used 1.9 because that's what the Comp. Plan calls for at 84th & Hwy. 2. Their traffic studies are showing 3 million & 3.4 million respectively because that's what they want. They're coming in asking for about 50% more than the existing Comp. Plan is calling for. And they have the audacity to come here & say that an additional 47,000 sq. ft. above their assumption tips Hwy. 2 over the edge? Come on. Even with the additional 47,000 sq. ft., we don't come up near the average that the Comp. Plan assumes. I don't know where anybody came up with 220,000 sq. ft. for this 38 acres owned by the Livingstons. If you put the .25 to that, it comes out over 400,000. But where the 220 came from we don't know. One thing is certain, we have done a traffic study by a Traffic Engineer which, by the way, you haven't heard from tonight, our traffic study has been accepted by the Public Works Dept. & we are paying for improvements which we cause a need for. And whatever assumptions Kent wants to make, his client shouldn't have to pay for any improvements that they don't cause a need for. We're not asserting that. Finally, we didn't trespass on anybody's property to take photos. So, if anybody wanted to bring photos from their decks, they could've but we didn't try & trespass to get them. The closest house in Country Meadows is something like 900' away. The house that is in the triangle is more than 300' from the Home Depot building, not thirty. By the way, that house wasn't here tonight.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE KENO OPERATOR CONTRACT WITH LINCOLN KENO, INC. TO CHANGE THE 45-DAY REQUIREMENT FOR COMMENCEMENT OF THE KENO LOTTERY OPERATION TO 120 DAYS - John Hassett, representing Lincoln Keno, Inc., 5015 Underwood Ave., Omaha Ne 68132: This request was generated after a meeting we had with the City & State officials. They informed us it would take 90 to 120 days to have the background checks done on our licensing. That's when we asked for the...to extend from 45 days to 120 days to be open. We've received a letter from your Legal Dept. that instructed us we needed Council approval for that but it can be handled with a waiver & they, at the same time, asked us to post our performance bonds which we've recently done. So, that's why the reason for the request & I'm here in front of you this evening. (Inaudible from a second party.) Oh, yes. When we had our meeting with the State & the City officials, they informed us it would be 90 to 120 days to get our licenses done & the background checks & all those things. And so, we knew right away we were going to be needing a waiver on the 45 days.

Ms. McRoy: Forty-five days from when it is approve?

Mr. Hassett: Yes, there was a clause in the contract that said we'd be open within 45 days.

Ms. McRoy: (Inaudible) didn't start the process (inaudible) Council approval or you started after the Council approval.

Mr. Hassett: We started the licensing right after the Council approval, the next week.

Mr. Shoecraft: (Inaudible) The procedures a little bit different than it was 7 or 8 yrs. ago. It was a lot simpler. Now, it's much more complicated including all the background checks & all that so it takes more time. You visited with staff & everybody?

Mr. Hassett: Yes.

This matter was taken under advisement.

ORDINANCES - 3RD READING

VACATING A PORTION OF PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. - PRIOR to reading:

CAMP Moved to delay action on Bill 00-209 until 1/8/2001.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance, introduced by Annette McRoy, vacating Pine Lake Rd. from the west line of Lazy Acres Subdivision west to the railroad right-of-way, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 45 ACRES OF PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE NORTH. (IN CONNECTION W/00R-308, 00R-309, 00-209)- PRIOR to reading:

CAMP Moved to delay action on Bill 99-93 until 1/8/2001.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance amending Section 5 of Ord. 8730, passed May 17, 1965, as last amended by Section 1 of Ord. 17488, passed April 12, 1999, prescribing & defining the corporate limits of the City of Lincoln, Nebraska & repealing said Section 5 of Ordinance no. 8730, passed May 17, 1965, as last amended by Section 1 of Ord. 17488, passed April 12, 1999, as hitherto existing, the third time.

CHANGE OF ZONE 3204 - APP. OF PLANNING DIRECTOR FOR A CHANGE FROM P PUBLIC USE TO R-3 RESIDENTIAL & FROM R-3 RESIDENTIAL TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT N. 84TH & HOLDREGE STS. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17767**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3287 - APP. OF LINCOLN LAND & MORTGAGE COMPANY FOR A CHANGE FROM R-3 RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 73RD ST. & THOMASBROOK LANE - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17768**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS, PRELIMINARY PLATS & USE PERMITS

SPECIAL PERMIT 1833 - APP. OF M&S CONSTRUCTION & THE LINCOLN CHAMBER OF COMMERCE TO DEVELOP ASHLEY HEIGHTS C.U.P. CONSISTING OF 289 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-319, 00R-326) - PRIOR to reading:

SENG Moved to delay action on Bill 00R-318 for 1 week to 12/4/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING & APPROVING THE PRE. PLAT OF ASHLEY HEIGHTS FOR FOUR OUTLOTS & TWO COMMERCIAL LOTS, WITH WAIVERS TO BLOCK LENGTH, PEDESTRIAN EASEMENT, ROADWAY PLATFORM APPROACHES, & THE SUBMITTAL OF A USE PERMIT AT THE TIME OF PRELIMINARY PLAT, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-318, 00R-326) - PRIOR to reading:

SENG Moved to delay action on Bill 00R-319 for 1 week to 12/4/00.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 132 - APP. OF LIVINGSTON INVESTMENT, INC. TO DEVELOP 267,812 SQ. FT. OF SPACE TO INCLUDE RETAIL, OFFICE BUILDINGS, BANKS & FINANCIAL COMPANIES, RESTAURANTS, DRY CLEANERS, ON & OFF SALE OF ALCOHOLIC BEVERAGES, & A WAIVER OF THE SIGN REGULATIONS TO PERMIT A SIGN AT THE SOUTH ENTRANCE TO THE SITE, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH ST. & HWY. 2. (IN CONNECTION W/00-214, 00-215, 00R-325) - PRIOR to reading:

JOHNSON Moved to delay action on Bill 00R-320 for 1 week to 12/4/00.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING & APPROVING THE PRE. PLAT OF WILDERNESS PARK ESTATES INCLUDING WAIVERS FOR CURB & GUTTERS, SIDEWALKS, STORMWATER DETENTION, & STREET TREES, ON PROPERTY GENERALLY LOCATED WEST OF S. 14TH ST. & MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-309, 00-209) - PRIOR to reading:

CAMP Moved to delay action on Bill 00R-308 to 01/08/01.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1832 - APP. OF GEORGE & KATHY MECHLING TO DEVELOP WILDERNESS PARK ESTATES COMMUNITY UNIT PLAN CONSISTING OF 19 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-308, 00-209) - PRIOR to reading:

CAMP Moved to delay action on Bill 00R-309 to 01/08/01.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

DENIAL OF APPLICATIONS FOR AMBULANCE CERTIFICATES OF PUBLIC CONVENIENCE & NECESSITY FOR PLATTE COUNTY AMBULANCE CO., AMERICAN MEDICAL RESPONSE, & RURAL METRO MEDICAL SERVICES - DEPUTY CLERK requested a motion for denial.

SENG So moved.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON NOV. 13, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80566 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 11/17/00)

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF OCT., 2000 FROM: Nebraska Technology & Telecomms., Long Distance of Michigan, Lightyear Comms., TRI-M Comms., RSL Com USA, Glyphics Comms., Comdata Telecomms. Services, NOSVA Ltd. Partnership, Excel Telecomms., Incomnet Comms., GTC Telecom, LDM Systems, ATT Wireless PCS, I-Link Comms., Equality Inc., GST Net, Network Internat'l (Final Return), Nextlink Long Distance Service, NOS Comms., Network Billing Systems, D & D Comms., Nextel, Teligent Services, Phoenix Network, Touch America Services,

Primus Telecomms., Trans National Comms., Qwest Comms., Working Assets Funding Services, Viatel Services, LCI International Telecom, International Exchange Comms., TracFone Wireless, Atlas Comms., & Cincinnati Bell Long Distance - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE FEE DUE FROM UTILICORP UNITED FOR THE MONTH OF OCTOBER, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

ORDERING CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS THROUGHOUT THE CITY GENERALLY BOUNDED BY S.W. 27TH & W. "O" ON THE WEST, 27TH & WHITEHEAD DR. ON THE NORTH, 80TH & LEIGHTON ON THE EAST, & 40TH & EAGLE RIDGE RD. ON THE SOUTH - PRIOR to reading:

SENG Moved to delay action on Bill 00R-296 for 1 week to 12/4/00.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF NOV. 1 - 15, 2000 - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80559 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated November 16, 2000, of various new & pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED</u>
Edye Allen	\$479.00	Richard G. Corner	\$978.63
Steve A. Arens	852.00	Steven C. Zwiener	70.00
Andrew Wright	80.00	Bob Gettner	391.48

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING THE INTEREST RATE ON BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DIST., THE CORE BUSINESS IMPROVEMENT DIST. OVERLAY, & THE DOWNTOWN MAINTENANCE DIST. (7.36%) - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80562 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed November 13, 2000, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement district Overlay, & the Downtown Maintenance District are hereby levied & shall bear interest at 7.36% per annum & that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APP. OF LINCOLN P ST. CATERING CO., INC. DBA EMBASSY SUITES FOR AN ADDITION TO PREMISE AT 1040 P ST. - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80555 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that the application of P St. Catering Co., Inc. dba "Embassy Suites to expand its licensed premises by the addition of an area measuring 8 feet by 15 feet in the northeast entrance area to the presently licensed premises located at 1040 P St., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City & State

regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Johnson.

REAPPOINTING MARTIN RAMIREZ TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A 3-YR. TERM EXPIRING SEPT. 18, 2003 - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80556 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Martin Ramirez to the Multicultural Advisory Committee for a three-year term expiring September 18, 2003 is hereby approved.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING CHARLES GREENE TO THE MULTICULTURAL ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPT. 18, 2002 - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80557 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Charles Greene to the Multicultural Advisory Committee to fill an unexpired term expiring September 18, 2002 is hereby approved.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN AMENDMENT TO THE KENO OPERATOR CONTRACT WITH LINCOLN KENO, INC. TO CHANGE THE 45-DAY REQUIREMENT FOR COMMENCEMENT OF THE KENO LOTTERY OPERATION TO 120 DAYS - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80558 WHEREAS, the City of Lincoln entered into a non-exclusive contract with Lincoln Keno, Inc. to be a second operator of a keno-type lottery within the City of Lincoln & the County of Lancaster dated October 16, 2000; &

WHEREAS, the Operator, Lincoln Keno, Inc., has requested that the contract be amended to provide for their operation to open within 120 days from the date of contract approval, which request is attached hereto, marked as Attachment "A" & made a part hereof by reference; &

WHEREAS, the provisions of the parties contract require that any amendment to the contract be in writing & approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The City Council hereby approves the contract amendment allowing Lincoln Keno, Inc. to commence its operation within 120 days from October 16, 2000, the date of the original contract approval in accordance with the amendment which is attached hereto, marked as Attachment "B" & made a part hereof by reference.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of the contract amendment & this resolution to Lincoln Keno, Inc. c/o Charles D. Humble, Attorney at Law, Suite 400, 301 S. 13th St., Lincoln, NE 68508; one copy to the City's Finance Director; one copy to Lincoln Keno, Inc. c/o John Hassett, General Manager, 5500 Old Cheney Road, #1, Lincoln, NE 68516; & on copy to Steve Schatz, Charitable Gaming Division, Nebraska Dept. of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A GOLF LICENSE AGRMT. BETWEEN THE CITY & CORY FLETCHER FOR PROFESSIONAL GOLF SERVICES AT MAHONEY GOLF COURSE & CLUBHOUSE FOR A PERIOD FROM DEC. 1. 2000 THROUGH APRIL 30, 2003 - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80560 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the license agreement which is attached hereto, marked as Attachment "A" & made a part hereof by reference, under which Cory Fletcher is granted the privilege of operating all business concessions & rendering professional golf services at Mahoney Golf Course &

clubhouse for a period from December 1, 2000 through April 30, 2003, upon the terms & conditions as fully set forth in said license agreement, is hereby accepted & approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute said license agreement on behalf of the City.

The City Clerk is directed to return two fully executed copies of said golf License Agreement to the Director of Parks & Recreation, one for his files & one to be transmitted to Cory Fletcher.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COMP. PLAN AMENDMENT 94-52 - AMENDING THE 1994 LINCOLN LANCASTER COUNTY COMP. PLAN TO CHANGE FIGURE 16, LINCOLN'S LAND USE PLAN, FROM INDUSTRIAL TO COMMERCIAL & FROM INDUSTRIAL TO RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-318, 00R-319) - PRIOR to reading:

SENG Moved to delay action on Bill 00R-317 for 1 week to 12/4/00.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN INTERLOCAL AGRMT. BETWEEN THE CITY & LANCASTER COUNTY COOPERATIVE EXTENSION SERVICE FOR SOLID WASTE EDUCATION SERVICES - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80561 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln & the County of Lancaster through the Lancaster County Cooperative Extension Service for the purpose of providing educational services relating to solid waste management, a copy of which is attached hereto marked as Attachment "A" & made a part hereof by reference, is hereby approved & the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Earleen Ladd, Lancaster County Clerk's Office for filing with the County, one copy to Lancaster County Extension & one copy to Gene Hanlon, Recycling.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

HEARING DATE SET FOR MON., DEC. 11, 2000 AT 1:30 P.M. ON THE MAN. APP. OF NEDRA J. LUCAS FOR NEBRASKA RETAIL VENTURES LLC DBA AMPRIDE #105 AT 3291 HOLDREGE - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80563 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Nedra J. Lucas for Nebraska Retail Ventures LLC dba Ampride #105 at 3291 Holdrege.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

HEARING DATE SET FOR MON., DEC. 11, 2000 AT 1:30 P.M. ON THE MAN. APP. OF NEIL G. STUTHMANN FOR ELKS BPO LINCOLN LODGE #80 DBA ELKS BPO LINCOLN LODGE #80 AT 5910 S. 58TH ST. - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80564 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Neil G. Stuthmann for Elks BPO Lincoln Lodge #90 dba Elks BPO Lincoln Lodge #80 at 5910 S. 58th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

HEARING DATE SET FOR MON., DEC. 11, 2000 AT 1:30 P.M. ON THE NEBRASKA RETAIL VENTURES LLC DBA AMPRIDE 107 FOR A RETAIL CLASS B LIQUOR LICENSE AT 5501 SUPERIOR ST. - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80565 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Nebraska Retail Ventures LLC dba Ampride #107 for a Retail Class B Liquor License at 5501 Superior St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3289 - APP. OF RIDGE DEVELOPMENT, SOUTHVIEW, INC., & NORTH HILLS LIMITED PARTNERSHIP FOR A CHANGE FROM R-2 TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT FOLKWAYS DR. & 21ST ST. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

AMENDING SEC. 10.22.080(E) OF THE LMC TO INCLUDE LANGUAGE WHICH REQUIRES THAT VEHICLES OPERATED UPON THE STREETS OF THE CITY NOT BE OBSCURED TO THE EXTENT THAT THE ABILITY TO SEE INSIDE THE VEHICLE IS SUBSTANTIALLY IMPAIRED - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 10.22.080 of the LMC relating to the requirements for vehicles operated upon streets to make that section consistent with state statute; & repealing Sec. 10.22.080 of the LMC as hitherto existing, the first time.

CREATING WATER DIST. 1181 IN GLADSTONE ST. FROM 35TH TO 36TH STS. & IN 36TH ST. FROM GLADSTONE TO HARTLEY STS. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Water District No. 1181, designating the real estate to be benefited, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING PAVING DIST. 2619 IN GLADSTONE ST. FROM 35TH TO 36TH STS. & IN 36TH ST. FROM GLADSTONE TO HARTLEY STS. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Paving District No. 2619, defining the limits thereof, establishing the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefited, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING PAVING DIST. 2620 IN N.W. 10TH ST. FROM W. DAWES TO W. BELMONT STS. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Paving District No. 2620, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefited, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING ALLEY PAVING DIST. 359 IN THE EAST/WEST ALLEY BETWEEN 47TH & 48TH STS. FROM LOWELL AVE. TO PRESCOTT AVE. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Alley Paving No. 359, defining the limits thereof, establishing the width of the roadway to be paved & the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof,

designating the property to be benefited, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts or ordinances in conflict herewith, the second time.

APPROVING AN AGRMT. BETWEEN THE CITY & WESTERN WIRELESS FOR THE CONSTRUCTION & OPERATION OF A PCS ANTENNA FOR A COMMUNICATIONS FACILITY ON THE 911 TOWER ON PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, the City of Lincoln, desires to lease space on its 911 tower, generally located at 14th & Military Rd., to WWC License LLC, a Delaware limited liability company (hereinafter "WWC") for telecommunication uses on the tower & associated ground space, the second time.

VACATING W. NANCE ST. FROM N.W. 10TH ST. WEST TO THE CORNHUSKER HWY./I-80 RIGHT-OF-WAY - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, vacating W. Nance St. from N.W. 10th St., west to the Cornhusker Hwy./I-80 right-of-way, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 135.7 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-213, 00R-317, 00R-318, 00R-319) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Section 2 of Ord. 8730 passed May 17, 1965, as last amended by Section 1 of Ord. 17566 passed November 1, 1999, prescribing & defining the corporate limits of the City of Lincoln & repealing said Section 2 of Ord. 8730 passed May 17, 1965, as last amended by Section 1 of Ord. 17566 passed November 1, 1999, as hitherto existing, the second time.

CHANGE OF ZONE 3248 - APP. OF M&S CONSTRUCTION & THE LINCOLN CHAMBER OF COMMERCE FOR A CHANGE FROM I-2 INDUSTRIAL TO H-4 GENERAL COMMERCIAL, B-2 PLANNED NEIGHBORHOOD, & R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00R-317, 00R-318, 00R-319) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 37 ACRES OF PROPERTY GENERALLY LOCATED S. OF HWY. 2 BETWEEN S. 70TH ST. & PINE LAKE RD. (IN CONNECTION W/00-215, 00R-320) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Section 10 of Ord. 8730, passed May 17, 1965, as last amended by Section 1 of Ord. 17577, passed November 15, 1999, prescribing & defining the corporate limits of the City of Lincoln, Nebraska; & repealing Section 10 of Ord. 8730 passed May 17, 1965, as last amended by Section 1 of Ord. 17577, passed November 15, 1999, as hitherto existing, the second time.

CHANGE OF ZONE 3282 - APP. OF LIVINGSTON INVESTMENT, INC. FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH & HWY. 2. (IN CONNECTION W/00-214, 00R-320) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on Dec. 4, 2000.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

12:19 A.M.

CAMP Moved to adjourn the City Council Meeting of Nov. 27, 2000.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

 So ordered.

Joan E. Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III

